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# THE LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE EIGHTH SESSION OF THE  
FIFTH LEGISLATIVE ASSEMBLY.)

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VOLUME IV—1938.

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LEGISLATIVE ASSEMBLY.

*Monday, 8th August, 1938.*

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The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the First Day of the Eighth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I.), was in the Chair.

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## MEMBERS SWORN.

The Honourable Sir Muhammad Zafrullah Khan, K.C.S.I. (Member for Commerce and Labour) ;

The Honourable Mr. Andrew Gourlay Clow, C.S.I., C.I.E. (Member for Railways and Communications) ;

The Honourable Sir Manmatha Nath Mukerji (Law Member) ;

Sri K. B. Binaraja Hegde M.L.A. (West Coast and Nilgiris : Non-Muhammadan Rural) ;

Shaikh Rafiuddin Ahmad Siddiquee, M.L.A. (Chittagong Division : Muhammadan Rural) ;

Mr. Hugh Stuart Town, M.L.A. (Nominated Non-Official) ;

Mr. Percival R. Damzen, M.L.A. (Nominated Non-Official) ;

Mr. John Bartley, C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Arthur Eric Tylden-Pattenson, M.L.A. (Government of India : Nominated Official) ;

( 1 )

- Mr. Kenneth Grant Mitchell, C.I.E., M.L.A. (Government of India : Nominated Official) ;
- Mr. Joseph Ernest Parkinson, C.I.E., M.L.A. (Government of India : Nominated Official) ;
- Mr. Ghulam Muhammad, M.L.A. (Government of India : Nominated Official) ;
- Mr. Ratan Mohan Chatterjee, M.B.E., M.L.A. (Government of India : Nominated Official) ;
- Mr. Harry Ronson, M.L.A. (Government of India : Nominated Official) ;
- Mr. Nasir Ahmad Faruqi, M.L.A. (Government of India : Nominated Official) ;
- Mr. Basanta Kumar Mukharji, M.L.A. (Bengal : Nominated Official) : and
- Khan Bahadur Shaikh Nur Muhammad, M.L.A. (Punjab : Nominated Official).

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STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DERAILMENT OF THE PUNJAB MAIL ENGINE NEAR MADHUPUR.

1. **\*Sardar Mangal Singh :** Will the Honourable Member for Railways please state :

- (a) whether an XB engine was used on the Punjab Mail train which was derailed recently near Madhupur ;
- (b) whether Government have received the copy of the report of the enquiry conducted by Mr. J. A. Bell, Agent of East Indian Railway ;
- (c) whether the report of the Senior Government Inspector, who held the enquiry, has also been received ;
- (d) the action taken by Government on these reports ; and
- (e) whether there is any foundation for believing that the accident was due to sabotage ?

**The Honourable Mr. A. G. Clow :** (a) No.

(b) No formal report has been submitted by Mr. Bell.

(c) Yes. A copy of the report was issued as a Press Note by the Principal Information Officer, Government of India, on the 28th June, 1938.

(d) Apart from the grant of compensation, such action as is called for is a matter for the police.

(e) Yes : the report states that " there can be no doubt that the derailment was caused by the wilful removal of a rail ".

**Sardar Mangal Singh :** What kind of engine was used ?

**The Honourable Mr. A. G. Clow :** I do not know the kind of engine which was used. It was not one of their " X " class.

**Pandit Lakshmi Kanta Maitra :** Did the Agent, East Indian Railway, hold this enquiry on his own initiative or was he asked by the Government of India to hold the enquiry referred to in the question.

**The Honourable Mr. A. G. Clow :** The enquiry was held by the Senior Government Inspector in accordance with the normal procedure.

**Pandit Lakshmi Kanta Maitra :** I understood the Honourable Member to say that he did not receive any report from the Agent, East Indian Railway, who held some sort of enquiry. I want to know from the Honourable Member whether the Agent held the enquiry himself on his own initiative or in pursuance of some instructions issued by the Government of India ?

**The Honourable Mr. A. G. Clow :** The Agent did not conduct the enquiry ; it was conducted by the Senior Government Inspector attached to the Railway Board.

**Pandit Lakshmi Kanta Maitra :** So the East Indian Railway never held an enquiry of any kind on their own initiative ?

**The Honourable Mr. A. G. Clow :** The Agent examined the matter and sent a demi-official letter to the Railway Board. But the duty of holding a formal enquiry devolves on the Senior Government Inspector who is independent of the railway.

**Mr. Brojendra Narayan Chaudhury :** Was this sabotage done by outsiders or by people connected with the railways ?

**The Honourable Mr. A. G. Clow :** I should very much like to know who did it.

**Mr. Brojendra Narayan Chaudhury :** There is the general belief by the Railway Inspector that this was sabotage.

Have Government any detailed belief that this must have been done not by outsiders but by the railway people ?

**The Honourable Mr. A. G. Clow :** I should welcome any information which would show who the miscreants were.

**Mr. N. M. Joshi :** May I know whether the Report of the Senior Inspector will be published or has been published ?

**The Honourable Mr. A. G. Clow :** As I said in reply to part (c), it was published with a press note by the Principal Information Officer.

**Mr. Sri Prakasa :** In view of the fact that even with regard to the Bihta disaster, the railway authorities thought that it was due to sabotage, will Government consider the advisability of having further enquiries of an independent nature in this matter also just as they had with regard to Bihta ?

**The Honourable Mr. A. G. Clow** : The Senior Government Inspector did not report in the Bihta case that it was due to sabotage.

**COUNTRIES WITH CONSULS OR TRADE COMMISSIONERS APPOINTED BY THE GOVERNMENT OF INDIA.**

**2. \*Sardar Mangal Singh** : Will the Foreign Secretary please state the names of the countries where Consuls or Trade Commissioners have been appointed by the Government of India ?

**Sir Aubrey Metcalfe** : This question should have been addressed to the Honourable Member for Commerce and Labour.

**RESTRICTIONS ON THE COMMERCIAL ACTIVITIES OF INDIAN MERCHANTS IN CHINESE TURKISTAN.**

**3. \*Sardar Mangal Singh** : Will the Foreign Secretary please state :

(a) whether the Government of India had invited the attention of the Government of Chinese Turkistan to the hardships of the Indian merchants ; and

(b) whether there are still any restrictions imposed upon the commercial activities of the Indian merchants ?

**Sir Aubrey Metcalfe** : (a) Yes.

(b) Yes. Despite the representations made by His Majesty's Consul General in this matter to the Sinkiang authorities, Government regret to learn that an unofficial boycott of Indian merchants still persists and certain restrictions on travellers are still in force.

**Mr. T. S. Avinashilingam Chettiar** : May I know whether any restrictions have been removed ?

**Sir Aubrey Metcalfe** : Some restrictions have been removed. This reply was prepared some weeks ago when the question first came in, and I am now glad to be able to inform the House that the situation has definitely improved since this reply was prepared.

**Mr. T. S. Avinashilingam Chettiar** : Will the Honourable Member please place on the table of the House the additional information that he has received ?

**Sir Aubrey Metcalfe** : I have given the additional information such as it is.

It is nothing very definite. There is a general improvement in the situation so far as Indian traders are concerned.

**Mr. T. S. Avinashilingam Chettiar** : May I know whether the Government are pursuing the matter further or whether, being satisfied with what they have done, they are keeping quiet.

**Sir Aubrey Metcalfe** : They are certainly pursuing the matter with all the energy at their command.

**Mr. Manu Subedar** : What were the steps taken by the Government of India in this connection ?

**Sir Aubrey Metcalfe :** Strong representations were made by His Majesty's Consul stationed at Kashgar to the local administrative authorities.

**Pandit Lakshmi Kanta Maitra :** Can the Honourable Member give us some idea of the nature of these restrictions ?

**Sir Aubrey Metcalfe :** I have already given those before. There was a boycott carried on against Indian traders by which nobody bought goods from them. Other restrictions were on travel permits to those who wished to use the Leh route.

#### REFRESHMENT CARS ON STATE RAILWAYS.

4. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- (a) the number of refreshment cars which supply English food on State-owned Railways ;
- (b) the number of men who have used those cars in the last financial year ;
- (c) the money spent on those cars ;
- (d) the number of refreshment cars that supply Indian food on State-owned Railways ;
- (e) the number of men that have used those cars in the last financial year ; and
- (f) the money spent on those cars ?

**The Honourable Mr. A. G. Clow :** I would refer the Honourable Member to the reply given to his question No. 1033, asked on his behalf by Mr. B. B. Varma, on the 28th March, 1938. Some little difficulty has been experienced in the compilation of the information that was promised, but I hope to be able to lay a statement on the table shortly.

**Mr. T. S. Avinashilingam Chettiar :** The answer that was given to the last question was that they would collect the information ?

**The Honourable Mr. A. G. Clow :** That was so.

**Mr. T. S. Avinashilingam Chettiar :** What is the point in my being referred to that answer ? The Government ought to have collected the information by this time ?

**The Honourable Mr. A. G. Clow :** It has been collected from most of the railways, but the particulars with regard to one railway are still awaited to complete the information.

**Mr. T. S. Avinashilingam Chettiar :** When does the Honourable Member expect to place it on the table of the House ?

**The Honourable Mr. A. G. Clow :** Shortly.

**Prof. N. G. Ranga :** Is there any proposal to increase the number of refreshment rooms supplying food to Indians ?

**The Honourable Mr. A. G. Clow :** I want notice of that question.

**Mr. T. S. Avinashilingam Chettiar :** With the information available at present, are Government satisfied, that there is a sufficient proportion of refreshment rooms catering to Indians ?

**The Honourable Mr. A. G. Clow :** I have not yet examined the particulars received as they are not yet complete.

**Pandit Lakshmi Kanta Maitra :** Is the report going to be more or less comprehensive on all the points suggested in the question ?

**The Honourable Mr. A. G. Clow :** I think full information will be given of the number of cars supplying Indian and English food respectively and the capital expenditure in each case.

**Pandit Lakshmi Kanta Maitra :** Also the number of people using these cars ?

**The Honourable Mr. A. G. Clow :** I doubt whether that will be possible. I do not think any census is kept.

#### RAILWAY INCOME AND EXPENDITURE ON HARIPURA CONGRESS.

5. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- (a) the money spent by the Railways in connection with the Haripura Congress ;
- (b) the income to the Railways out of the traffic to the Haripura Congress ; and
- (c) the number of people that came to and left Madhi, Bardoli, or any other station leading to Haripura during the Congress session ?

**The Honourable Mr. A. G. Clow :** The following are the figures but the estimates are necessarily approximate :

- (a) Rs. 3,05,000.
- (b) Rs. 3,09,000.
- (c) 385,000.

**Seth Govind Das :** Are Government going to give the same facilities for the next Congress Session ?

**The Honourable Mr. A. G. Clow :** The Honourable Member must wait and see.

**Mr. T. S. Avinashilingam Chettiar :** How is the answer to part (b) calculated ?

**The Honourable Mr. A. G. Clow :** I cannot give particulars of the calculation, but I take it that it is by taking up the particulars of the traffic going to Haripura and basing the calculation upon that.

**Mr. T. S. Avinashilingam Chettiar :** Have Government taken into calculation the number of passengers that might have come to Bombay in train and after that travelling to Haripura in bus or otherwise ?

**The Honourable Mr. A. G. Clow :** I cannot guarantee that.

**Mr. T. S. Avinashilingam Chettiar :** Was there any appreciable increase of passengers during that period to stations near by Haripura ?

**The Honourable Mr. A. G. Clow :** I think that has been taken into account. But I have not got the particulars here.

**Mr. K. Santhanam :** With reference to part (a), may I know how much of this Rs. 3,05,000 has been spent upon permanent improvements and how much on temporary expenditure ?

**The Honourable Mr. A. G. Clow :** If the Honourable Member puts down a question, I shall try to answer ; but I cannot guarantee that particulars will be available. It is an approximate estimate.

**Maulvi Abdur Rashid Chaudhury :** May I know if this sum was spent to placate the Congress or it was done out of business instincts ?

**The Honourable Mr. A. G. Clow :** The railway is a commercial organisation.

**Mr. T. S. Avinashilingam Chettiar :** May I know if any amounts have been credited since then on account of the temporary sheds which were auctioned and the proceeds realised ?

**The Honourable Mr. A. G. Clow :** The estimate of the figures is complete. I have not checked all the arithmetic.

#### SPEEDING UP OF THE GRAND TRUNK EXPRESS.

6. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- (a) whether Government have received any replies to their representations to speed up the Grand Trunk Express ;
- (b) whether the Grand Trunk Express has been speeded up ; and
- (c) if so, by how many hours ?

**The Honourable Mr. A. G. Clow :** (a) No special reference has been made to Railways for the speeding up of the Grand Trunk Express in particular, but the question of speeding up trains generally is continually under examination by Railways.

(b) No.

(c) Does not arise.

**Mr. T. S. Avinashilingam Chettiar :** In view of the continuous representations which were made about the speed of the Grand Trunk Express—many questions have been put on this matter—may I know if Government have taken any steps in this matter ?

**The Honourable Mr. A. G. Clow :** My answer to part (b) was “ No ”.

**Mr. T. S. Avinashilingam Chettiar :** Why not, Sir ?

**The Honourable Mr. A. G. Clow :** I recently travelled by the Grand Trunk Express and there is very little through traffic on that train. There is not sufficient traffic to justify a fast train. If we ran a through train, we would have to run another in order to cater for the intermediate traffic, and that is not a commercial proposition.

**Pandit Lakshmi Kanta Maitra :** What is the present average speed of this train ?

**The Honourable Mr. A. G. Clow :** It varies, Sir.

**Pandit Lakshmi Kanta Maitra :** But what is the average speed ?

**The Honourable Mr. A. G. Clow :** The Honourable Member will have to consult a time-table.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that far from speeding up there has been a delay ?

**The Honourable Mr. A. G. Clow :** No, Sir, I am not ; when I went there, I arrived in time.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that this is the only through train between Madras and Delhi ?

**The Honourable Mr. A. G. Clow :** Yes, Sir ; I believe that is so.

**Mr. M. Ananthasayanam Ayyangar :** In that case does not the Honourable Member think it desirable to speed it up ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### DERAILMENT OF THE PUNJAB MAIL BETWEEN MUTHROOPUR AND SHANKARPUR ON THE EAST INDIAN RAILWAY.

**7. \*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Railways be pleased to state if by proper investigation the cause of the last derailment of the Up Punjab Mail which took place on Monday, the 7th June, 1938, between Muthroopur and Sankarpur on the East Indian Railway has been found out ? If so, will he state the same on the floor of the House ?

(b) Is it a fact that there had been deaths and injuries to many ? Will he please state the exact number of passengers who died on the spot, in hospital and who got grievous injuries, who had to be sent to hospital or were taken home ? Has the Honourable Member any information about their recovery ?

**The Honourable Mr. A. G. Clow :** (a) I would refer the Honourable Member to the reply I have just given to Sardar Mangal Singh's question No. 1.

(b) The driver of the train and a Railway Mail Service sorter were found dead immediately after the accident. There was no subsequent death in hospital. Of 41 persons injured, five sustained grievous injuries. They were admitted into the Railway Hospital at



Asansol, and were subsequently sent to Calcutta, two for treatment of the eyes and three for X-ray examination and further treatment. Four have since recovered and left the hospital. The fifth is still in hospital, but it is expected that he will be discharged shortly.

**Mr. Sri Prakasa :** What was the speed of this train when it was derailed ?

**The Honourable Mr. A. G. Clow :** I do not think that arises.

**Seth Govind Das :** Will Government make any inquiries as to why so many accidents take place only on the East Indian Railway ?

• **The Honourable Mr. A. G. Clow :** Accidents are not confined to the East Indian Railway. Every accident is the subject of an inquiry.

**Seth Govind Das :** Is it not a fact that recently there have been many accidents on the East Indian Railway particularly ?

**The Honourable Mr. A. G. Clow :** There have been several.

**Seth Govind Das :** And what is the reason for this increase in the number of accidents on the East Indian Railway only and not on other railways ?

**The Honourable Mr. A. G. Clow :** The reasons are different. I think there is a later question on the subject of the causes of accidents.

#### LOSS OF LIVES IN RAILWAY ACCIDENTS AND COMPENSATION PAID TO THE FAMILIES OF VICTIMS.

8. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Railways please state whether it is a fact that the Postal Mail van attached to the Up Punjab Mail which was derailed on 7th June, 1938, was broken into splinters and those who were in the Mail van expired on the spot and the engine-driver expired and crews were not found out ? If so, what was the number of persons in the Mail van and how many expired and how many were injured ?

(b) Is the Honourable Member aware of the fact that one Sudhir Kumar Banerji, a mail sorter, inhabitant of Uttarpara, died on the spot ?

(c) Has the Honourable Member decided about the matter of compensation to the family of the aforesaid deceased, whose family and dependants have been deprived of their bread and livelihood by the death of the aforesaid Sudhir Kumar Banerji on service ? If so, will he be pleased to state the compensation fixed by Government ?

(d) Will the Honourable Member be pleased to fix up compensation for the family of the deceased engine-driver ? What is the amount fixed ?

(e) Will the Honourable Member state how many derailments and accidents have taken place during the year 1937-38 on different State Railways and private Company-managed Railways in India and lives lost and passengers injured ?

**The Honourable Mr. A. G. Clow :** (a) and (b). The postal van which capsized had its roof torn away. There were 14 persons travelling in the mail van, of whom one S. K. Banerjee, a mail sorter, was killed ; the others were injured. The engine driver was also killed. I am unable to follow that part of the question which relates to " the crews ".

(c) Out of a sum of Rs. 3,500 payable as compensation under the Workmen's Compensation Act, Rs. 100 has been paid to the widow and the balance of Rs. 3,400 has been deposited with the Commissioner for Workmen's Compensation, Calcutta.

(d) Rs. 4,000, the amount of compensation payable under the Workmen's Compensation Act, has been deposited with the Commissioner for Workmen's Compensation for the Santhal Parganas.

(e) Statistics relating to accidents are published annually in the Railway Board's report on Indian Railways. The figures for 1937-38 are now being received from Railways and will be published in due course.

**Mr. Sri Prakasa :** Is it not a fact that the mail van is invariably the third coach from the engine on these Nos. 5 and 6 Punjab Mails, and how was it that on this particular day it was attached next to the engine ?

**The Honourable Mr. A. G. Clow :** It is, I think, normally in that position, but not invariably. It was not attached next to the engine on this occasion.

**Mr. Sri Prakasa :** Is the Honourable Member aware that the press reports said that the mail van was exactly next to the engine and that it was completely broken into splinters ? I was surprised because I am constantly using these trains, and I have always found the mail van the third coach from the engine and I wondered why on this particular day it was next to the engine.

**The Honourable Mr. A. G. Clow :** It was not in fact next to the engine. It was occupying the third position on this occasion.

**Mr. Sri Prakasa :** Am I to understand that the intermediate class compartments between the engine and the mail van were comparatively less damaged than the mail van itself ?

**The Honourable Mr. A. G. Clow :** I believe that was the case.

**Pandit Lakshmi Kanta Maitra :** May I know if the Honourable Member's department has got any circular as to the exact location of the mail vans on these mail trains ?

**The Honourable Mr. A. G. Clow :** There is no invariable rule. It has to depend on traffic and other considerations, but normally I think it is placed somewhere near the centre, neither at the end nor at the beginning.

**Mr. Mohan Lal Saksena :** May I know why the Honourable Member has not collected information relating to the number of accidents ? Is it because the number has gone up ?

**The Honourable Mr. A. G. Clow :** I did not say I had not collected information. I said information was collected and was regularly published.

**Mr. Mohan Lal Saksena :** The House wants it just now. Why is the Honourable Member not giving it now ?

**The Honourable Mr. A. G. Clow :** I am giving a statement later, in answer to a later question, of certain accidents of importance.

#### REPORT ON THE BIHTA TRAIN DISASTER.

9. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

(a) whether any actions have been taken in pursuance of Chief Justice Thom's Report on the Bihta disaster ; and

(b) if so, what actions have been taken ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) I would ask the Honourable Member to await the debate on the subject on Friday, when I hope to be able to explain the position.

**Mr. M. Ananthasayanam Ayyangar :** Will the Honourable Member issue a statement before the debate commences as to the lines on which action has been taken so far ?

**The Honourable Mr. A. G. Clow :** No, Sir ; a press communiqué has been issued regarding the appointment of a committee arising out of the only recommendation made by Sir John Thom. I am not prepared to make any further statement in reply to a question.

#### RAILWAY ACCIDENTS.

10. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways state :

(a) the number of railway accidents since the last Session of the Assembly, the place and the nature of the accidents and the number of deaths and injured in each accident ; and

(b) apart from inquiry into particular suitable cases of accidents, whether Government have considered the necessity of inquiring whether extension of railways and growth of traffic have not outgrown the existing system of administration necessitating administrative changes ?

**The Honourable Mr. A. G. Clow :** (a) I am placing on the table a statement giving particulars of the accidents which, under the rules, are required to be reported to the Railway Board, excluding those relating to breaches of the line.

(b) The need for making administrative changes is constantly considered in connection with railway extensions and developments.

Statement of accidents (excluding breaches of the railway line) reported to the Railway Board from the 1st April, 1938, to 4th August, 1938.

Serial No.	Date and time of accident	Railway concerned.	Station at or between which accident occurred.	Number and description of the train(s).	Nature of the accident.	Number of people.		Cause of accident.	Damage to permanent way and rolling stock.
						Killed.	Injured.		
1	15.4.38 (9-35 hrs.)	E. I. ..	Hardwar station	Empty Mela Rake No. 9.	Rear bogie ran through the buffer stop at end of the siding and collided with the palisade fencing of a pilgrim enclosure which collapsed and vehicle penetrated about 12' into the enclosure before coming to rest.	2	34	Failure to observe proper precautions during shunting operations.	To P. W. and R. S. Rs. 57.
2	24.4.38 (17-40 hrs.)	R. & K.	Between Jharkapur and Sitapur (Mile 56.2).	49 Up Passenger	2 coaches capsized	None	4 (One seriously).	Force of wind striking the train.	To R. S. Rs. 1,600. P. W. Rs. 20.
3	5.5.38 (3-50 hrs.)	N. W. ..	Between Goleh-wala and Faridkot (Mile 46-50/14).	540 Down Goods	One wagon derailed	None	None	Report awaited.	Report awaited.

4	8-5-38 (17-10 hrs.)	B. N. ..	Nimdah station	254 Up Goods 234 Up Goods.	254 Up ran into the rear of 234 Up.	None	..	Engine slightly.	Report awaited	Report awaited.
5	9-5-38 (7-52 hrs.)	E. B. ..	Diamond Harbour station.	DH 14 Down Passenger.	4th & 5th bogies derailed.	None	..	1 slightly bruised.	Under investigation.	Report awaited.
6	25-5-38 (16-40 hrs.)	B. N. ..	Between Abhanpur and Kurud (Mile 540/17).	139 Down Mixed	Derailed, except engine and 5 Goods wagons (5 coaches capsized).	None	..	15 (5 seriously, of whom one died).	Excessive speed and inequality in track.	Report awaited.
7	7-6-38 (23-22 hrs.)	E. I. ..	Between Muthroopore and Sankarpur (Mile 191).	5 Up Mail ..	Derailed. (5 leading bogies including Postal van capsized).	(1 Driver. 1 Sorter.)	2	41 (of which 5 sustained grievous injuries).	Malicious attempt to derail train.	To Engine and S. Re. 90,000. P. W. Re. 600.
8	9-6-38 (6-52 hrs.)	E. I. ..	Dehri-on-Sone station (Mile 345).	210 Down Goods	Derailed (9 empty wagons capsized).	None	..	None	Jib of Canal Department crane caught & wagon.	Estimated cost about Rs. 50,000.
9	9-7-38 (18-26 hrs.)	E. B. ..	Gitaldah station	206 Down Passenger.	One bogie derailed	None	..	None	Report awaited.	Report awaited.
10	11-7-38 (5-50 hrs.)	B. N. ..	Puri station ..	6 Up Passenger	2 wagons which were being fly shunted side collided with 6 Up.	None	..	None	Points wrongly set.	To R.S. Re. 24,362

**Mr. Brojendra Narayan Chaudhury :** When were administrative changes last considered ?

**The Honourable Mr. A. G. Clow :** It is not a matter for special inquiries ; it is a matter which receives constant attention. When making extensions, it has to be considered what administrative changes are necessary.

**Mr. Brojendra Narayan Chaudhury :** How many accidents does this list include ?

**The Honourable Mr. A. G. Clow :** It includes ten accidents.

**Mr. T. S. Avinashilingam Chettiar :** Within how many months ?

**The Honourable Mr. A. G. Clow :** It is from the 1st April, 1938, to the 4th August, and covers all the railways.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether there is any special reason for so many accidents in such a short period ?

**The Honourable Mr. A. G. Clow :** I am not sure that this is an abnormal number ; it may not necessarily mean fatal accidents. For instance, there are several accidents here in which nobody was killed or injured.

**Mr. T. S. Avinashilingam Chettiar :** Are Government satisfied that the number of accidents is quite normal ?

**The Honourable Mr. A. G. Clow :** I have not compared it. As the Honourable Member will realise, the number of accidents in any particular quarters is not invariable ; it must vary.

**Mr. Mohan Lal Saksena :** What is the number of lives lost ?

**The Honourable Mr. A. G. Clow :** The answer will show that.

#### VALIDITY OF LICENCES AND REGISTRATION OF MOTOR VEHICLES IN BRITISH INDIA AND INDIAN STATES.

11. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Communications please state :

- (a) the existing position as regards validity of motor vehicle drivers' licence and registration of motor vehicles between British India on the one hand and the Indian States on the other ; and
- (b) if Government have considered the advantages of securing all-India validity of licences and registration and whether they intend conferring with States and the British India Provinces with a view to that end ?

**The Honourable Mr. A. G. Clow :** (a) and (b). Under the rules enacted by most Provincial Governments, certificates of registration and driving licences issued by certain States specified in Schedules attached to those rules are recognised as valid in the provinces. These, generally speaking, are States which have adopted provisions similar to those of the Indian Motor Vehicles Rules and reciprocate in this matter with the provinces concerned. The position is not, however,

quite satisfactory at present and in the Bill which will come under the consideration of the House next week provision has been made for all-India validity of certificates of registration and driving licences on a basis of reciprocity.

**Mr. Brojendra Narayan Chaudhury :** Have all the States agreed to this ?

**The Honourable Mr. A. G. Clow :** The Bill has not yet been passed.

**Mr. Brojendra Narayan Chaudhury :** If the Bill is passed, are we assured that the States will agree ?

**The Honourable Mr. A. G. Clow :** That is a hypothetical question ; and obviously it must depend on the form the Bill takes.

#### HARDSHIPS TO PASSENGERS TO AND FROM HARDWAR DURING THE KUMBHA MELA.

12. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) the number of passengers carried by the railways to Hardwar during the Kumbha Mela ;
- (b) the number of passengers who arrived by railway in the fortnight preceding the date of *Purna Kumbha* ;
- (c) the number carried back from Hardwar in the next fortnight by railways ;
- (d) if he is aware that the railways not being able to carry passengers who desired to leave, many return-ticket-holders left by bus for Delhi, Hathras and other railway stations for which a bus was available, in the hope of taking the train at those stations, if possible ; and
- (e) if it is a fact that the rush of passengers of the description mentioned in part (d) was so great that many had to wait at those stations for hours and even days till they could find space in the train ?

**The Honourable Mr. A. G. Clow :** (a) About 5,93,000.

(b) About 4,13,000.

(c) and (e). Precise information is not available but some figures of departures and indications of the pressure of traffic are given in the extracts I place on the table from a report by Mr. N. C. Ghosh, the Divisional Superintendent, on the working of the Kumbha Mela traffic.

(d) No.

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*Extracts from the Report on the Working of the Kumbha Mela Traffic, Hardwar, 1938, by Mr. N. C. Ghosh.*

\* \* \* \* \*

18. *Kumbha Day, 13th April, 1938—Start of Outward Rush—‘Flow System’ Working.*—The inward rush to Hardwar continued upto 13th afternoon, the day of the Kumbha Bathing. On this day—13th April—it was anticipated that the

outward traffic would not be very heavy, as the bathing time was fixed late in the evening; but these anticipations were belied. Hardly had the last Inward Special emptied out, surging masses of humanity started pouring into the station and it was quite apparent within a few minutes that we would be required to start the outward flow in full swing immediately. The necessary rakes had already been stabled, ready for the outward move, and within a short time the one direction flow of outward rush started, and from about 15 hours to 0 hour 20 Specials were run out, clearing about 40,000 passengers. The number of normal schedule trains handled during the same period was eight.

19. This rate of clearance, however, was not quick enough to keep pace with the influx of outward passengers and by the evening the entire station area was so congested that it became necessary to close all entrance gates to the station. The crowd outside the station was so thick that one could only see human heads en masse all along the road and it is understood that the pressure continued right up to the Bathing Ghat, nearly two miles away.

20. The next day was expected to be a record day and every effort was made to get the maximum possible number of empties into Hardwar area by morning. From the early morning large number of passengers started coming into the station area and it was throughout necessary to exercise effective control on admittance of passengers into the station Circulating Area. The Assistant Inspector General of Railway Police and myself took our positions on the Main Control Tower; and as Special Trains moved out and the Circulating Area allowed space for admittance of passengers, further lots were allowed to be let in by opening the gates with the help of a large police force under the charge of gazetted officers. This arrangement had to be continued throughout the outward rush period, as it was necessary to limit admittance of passengers to the station to the numbers that could be reasonably dealt with in 24 hours to avoid the station being rushed in by too large an anxious crowd. On the 14th April 41 special trains left for different directions, to the Punjab, Delhi and to Moradabad and below, clearing approximately 80,000 passengers.

21. The Assistant Inspector General, Railway Police, and myself had continually to be on the Main Control Tower for 18 to 20 hours daily from this day onward, watching the dispersal and admitting pilgrims into Station Area as trains moved out.

22. *Record number of special trains ex-Hardwar on 14th April, 1938.*—This day's work constituted a record never yet reached on Indian Railways. Including the Specials to Rikhikesh 43 loaded special trains left Hardwar over a single line Section.

\* \* \* \* \*

24. *Steady clearance of 70,000 to 80,000 passengers daily.*—On 16th, 17th and 18th April, 36, 37 and 41 special trains respectively were run out, clearing 70,000 to 80,000 passenger daily. After six days of extreme pressure and most arduous work by every officer and staff throughout the area the position became somewhat easy on the morning of the 19th, when the pressure for the first time showed signs of abatement. Even on this date 24 special trains were sent out, clearing about 50,000 passengers. This practically cleared the bulk of the mela rush and on 20th and 21st, 15 and 10 special trains respectively ran out.

### CHOLERA AT HARDWAR DURING KUMBHA MELA AND RAILWAY CONCESSIONS.

13. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) if cholera broke out in Hardwar during Kumbha Mela due to overcrowding inspite of all possible precautions by the authorities ;
- (b) if it is a fact that the epidemic has spread from Hardwar to other places in the United Provinces and that the present mortality from cholera in various places in that Province is far higher than any recorded in recent years ;



- (c) if it is a fact that the Railway Administration offered generous concessions in fares even to the extent of travelling both ways on single fares with the further concession of halting at the renowned places of pilgrimage and historical interest for more than a month ;
- (d) whether Government considered the effect of these generous concessions on overcrowding at Hardwar ; and
- (e) if Government intend to discontinue concessions in fare and stop-journey with a view to minimising overcrowding in future ?

**The Honourable Mr. A. G. Clow :** (c) Yes.

(b) This part of the question should have been addressed to the Honourable Member who represents in this House the Department of Education, Health and Lands.

(c) I would refer the Honourable Member to the statement laid on the table in another place in reply to question No. 133 asked by the Honourable Mr. G. S. Motilal on the 2nd March, 1938.

(d) The concession was allowed by the Railway Administration on its own initiative in response to what they believed to be the public demand.

(e) I do not think it is the function of the railways to attempt to restrict attendance at religious festivals in the manner suggested.

**Mr. Sri Prakasa :** Is it not a fact that the railway administration actually issued pamphlets saying that those who went to bathe at Hardwar on this particular day would get so much credit in the next world, and, if so, is it a part of the duty of Government to bolster up old superstitions ?

**The Honourable Mr. A. G. Clow :** I am afraid I have no information of any such thing.

**Mr. Sri Prakasa :** Will the Honourable Member kindly call for this information and impress upon the railway authorities that as they form part of the State and as the religion of the State is not this particular creed of bathing at Kumbha at Hardwar, they should desist from such proceedings in future ?

**The Honourable Mr. A. G. Clow :** I shall make the inquiry the latter part of the question is hypothetical.

**Mr. Brojendra Narayan Chaudhury :** Will Government consider the effect of concessions for railway travelling on overcrowding in melas and the effect of such overcrowding on public health and sanitation ?

**The Honourable Mr. A. G. Clow :** I would refer the Honourable Member to the answer I gave to part (e) of the question.

**Mr. Sri Prakasa :** What compensation will Government pay to those who do not get the promised credit in the other world but who yet travelled there because of this promise on behalf of the railways ?

**The Honourable Mr. A. G. Clow :** The question hardly arises as yet.

**Seth Govind Das :** Do Government propose to give any compensation to those who have gone there and died of cholera on account of this information of the Government ?

**The Honourable Mr. A. G. Clow :** I cannot regard the railways as responsible for that.

**ADOPTION OF CERTAIN PRECAUTIONS BY RAILWAYS AGAINST CHOLERA PREVAILING AT PURI.**

14. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) if his attention has been drawn to the Government *communiqué* warning intending pilgrims to *Rathjatra* at Puri against cholera prevailing there ; and
- (b) in view of the prevalence of cholera and with a view to minimising overcrowding, whether Government intend to direct Railways (i) not to offer concessions to the pilgrims, and (ii) to restrict the number of tickets for Puri and vicinity to normal and not to run special pilgrims' train ?

**The Honourable Mr. A. G. Clow :** (a) I have seen two communiqués issued by the Director of Health and Inspector General of Prisons, Orissa.

(b) The movement of pilgrim traffic to Puri commenced on the 25th June, and from Puri on the 29th June, concluding on the 8th July. The question, therefore, does not arise.

**EXPULSION OF DR. M. K. MENON FROM THE FRENCH TERRITORIES IN INDIA.**

15. **\*Seth Govind Das :** Will the Secretary for External Affairs please state :

- (a) whether he is aware that Dr. M. K. Menon was expelled from the Indian French territories recently by the French Government in India ;
- (b) the reasons actuating the French authorities to expel Dr. Menon ;
- (c) whether he made enquiries into the matter ; and
- (d) the actions, if any, he took in the matter ; and if no action was taken, the reasons therefor ?

**Sir Aubrey Metcalfe :** (a) Yes.

(b) According to the information received by the Government of India, Dr. Menon was expelled because the French authorities considered that his presence in the French Establishments in India was undesirable.

(c) Yes.

(d) His Majesty's Consul General at Pondicherry represented Dr. Menon's grievances to the French authorities, but they declined to allow Dr. Menon to re-enter Mahe except for the purpose of defending the case against himself.

**Mr. M. Ananthasayanam Ayyangar :** Is he a permanent settler in Mahe ?

**Sir Aubrey Metcalfe :** I think not. I think he had gone there for purposes of medical practice.

**Seth Govind Das :** For how long had he been there ?

**Sir Aubrey Metcalfe :** I cannot give the exact time : I think possibly two or three years. I should require notice if you want the exact period.

**Mr. Badri Dutt Pande :** Is Dr. Menon a revolutionary or what ?

**Sir Aubrey Metcalfe :** Not so far as I am aware. I do not think it was for political activities : it was because he was practising there without a license—a thing which the French authorities do not permit.

**Mr. Sri Prakasa :** Is Dr. Menon a medical doctor or an *honoris causa* ?

**Sir Aubrey Metcalfe :** Purely medical.

#### ENQUIRY INTO THE AFFAIRS OF THE ALL-INDIA RADIO.

16. **\*Seth Govind Das :** Will the Honourable Member for Communications please state :

- (a) whether Government have decided to appoint a commission to enquire into the affairs of the All-India Radio ;
- (b) the personnel of the commission ;
- (c) the terms of reference ;
- (d) when the commission is going to commence work ; and
- (e) the reason for the delay in appointing the commission ?

**The Honourable Mr. A. G. Clow :** (a) No.

(b), (c), (d) and (e). Do not arise.

**Mr. S. Satyamurti :** In view of the fact that there is a debate down on this broadcasting, have Government made up their minds in advance not to accept the Resolution even if it is passed by this House, because the Resolution recommends a committee of inquiry into the whole of the broadcasting system in India, and my Honourable friend now says "No" ? May I know whether Government propose to await the debate and the result of the discussion of the House, or have they decided not to appoint a committee ?

**The Honourable Mr. A. G. Clow :** The question was whether Government had decided to appoint a Commission and the answer is, we have not.

**Mr. S. Satyamurti :** Do I understand the Honourable Member to make a distinction between a commission and a committee ?

**The Honourable Mr. A. G. Clow :** I was not trying to make any such distinction : I assumed that by commission the Honourable Member meant a committee also : but I was asked if we had reached a decision to appoint a committee or commission, and I said we have reached no such decision.

**Seth Govind Das :** Are Government going to announce their decision at the time when the Resolution on this subject is going to be discussed ?

**The Honourable Mr. A. G. Clow :** I think the Honourable Member might wait and see. I shall announce what my own views are to the House.

**Sardar Mangal Singh :** May I know whether the Government of India have appointed any individual to look into the affairs of this department ?

**The Honourable Mr. A. G. Clow :** No : there is no specific inquiry being instituted.

**Bhai Parma Nand :** No. 17.

**Mr. President** (The Honourable Sir Abdur Rahim) : I am afraid I cannot allow that. I understand nobody in the office has received that intimation at all. Has the Honourable Member been authorised specially by Mr. Lalehand Navalrai ?

**Bhai Parma Nand :** Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then he can put the question.

#### COMPLAINTS AGAINST RADIO SERVICE IN INDIA.

17. **\*Bhai Parma Nand** (on behalf of Mr. Lalehand Navalrai) : (a) Will the Honourable Member for Communications be pleased to state if he is aware that the Radio Service in India is strongly criticised by the listeners for not giving sufficiently good service and causing disturbance in listening ?

(b) Is it a fact that from all Broadcasting Stations in India the reception is disturbed by noises, whistles and thunders, howsoever good the receiving sets may be ? If so, what steps have Government taken to remedy the same and what progress has been evidenced ?

(c) Are the aforesaid disturbances due to only atmospheric interruptions, or to the working of the electric power houses at various places or both ?

(d) Have Government got these electric power houses in India examined with a view to improving their conditions for not disturbing the Radio listening ? If not, do Government propose to do so ?

(e) Have Government made scientific researches in order to find out suitable ways and means to check the atmospheric disturbances ? If so, which ? If not, do Government propose to do so ?

(f) Is it a fact that Calcutta and Peshawar broadcasts are not heard in places at some distance beyond Calcutta and Peshawar ? If so, is it due to weak power of the Broadcasting Stations ? If so, do Government propose to increase their working power ? If not, do they propose to restrict their operation within only distinct listening area to avoid present disappointment to distant listeners ?

**The Honourable Mr. A. G. Clow :** (a) and (b). No. I may explain that the range of each transmitting station is limited, and within that range a sufficiently satisfactory service is available, although atmospheric or electrical disturbances sometimes occur. Over these no broadcasting organisation can have any control.

(c) The disturbances can be caused by atmospherics or by electrical interference, or both.

(d) No, Sir. Electrical power houses are not the only source of interference with broadcasting. The subject is a complex one and I cannot promise that any action will be taken in the near future.

(e) Yes. A systematic study of atmospheric disturbances has been carried out by the Research Department of the All-India Radio with the object of determining the most suitable wave lengths to be used in India. The last part of the question does not arise.

(f) The reply to the first two parts of the question is in the affirmative. As regards the third part, a 10 k. w. short wave station at Calcutta will be officially opened tomorrow week. It will then be possible to hear the Calcutta Station over the greater part of India. It is not intended to alter the power of the Peshawar Station which is intended for a purely local service. It is not possible to arrange that wireless waves shall penetrate a specified distance and no further.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that the programmes from Mysore and Madras are received almost simultaneously in many parts of the Madras Presidency on account of the nearness of their wave lengths ?

**The Honourable Mr. A. G. Clow :** Not on account of the nearness of their stations. If I have understood anything about wireless telegraphy, if I was speaking into the microphone here, hearers a hundred miles away would hear it before the Honourable Member does.

**Mr. M. Ananthasayanam Ayyangar :** I am saying that the wave lengths are the same for Mysore and Madras and the same thing happens with regard to Calcutta and Bombay and the programmes get mixed up because the wave lengths are similar.

**The Honourable Mr. A. G. Clow :** I understand the range of possible wave lengths is very limited.

**Mr. M. Ananthasayanam Ayyangar :** Does the Honourable Member propose to take any action to see that wave lengths are not almost similar.

**The Honourable Mr. A. G. Clow :** This is a matter which does constantly engage the attention of wireless engineers.

#### INCLUSION OF SINDHI MUSIC IN THE PROGRAMME OF CERTAIN BROADCASTING STATIONS.

18. **\*Bhai Parma Nand** (on behalf of Mr. Lalchand Navalrai) : Will the Honourable Member for Communications be pleased to state if music and songs and gramophone records in 'Sindhi' are included in the programmes of Delhi, Bombay or the Punjab Broadcasting Stations ? If

so, how many items were broadcasted during this year and the last ? If not, do Government propose in view of the fact that Sindhis have as yet no Broadcasting Station in Sind and they have a great liking and ear for music in their own language to direct Sindhi music items to be included in programmes of the aforesaid Broadcasting Stations ? If not, why not ?

**The Honourable Mr. A. G. Clow :** 52 musical items in Sindhi have been broadcast from the Delhi, Bombay and Lahore Stations of the All-India Radio during 1937 and upto the middle of July, 1938. The remaining parts of the question do not arise.

#### SEPARATE THIRD CLASS WAITING ROOMS FOR LADIES ON RAILWAYS.

19. **\*Mr. K. Santhanam :** Will the Honourable Member for Railways be pleased to state :

- (a) at how many junctions and first class stations of the Government-owned railways there are separate third class waiting rooms for ladies ;
- (b) whether the Railway Board has laid down any policy in this matter ; and
- (c) whether Government are aware of the serious inconvenience to ladies travelling in third class due to the absence of such separate waiting rooms ?

**The Honourable Mr. A. G. Clow :** (a) The number of stations at which third class waiting rooms or halls have been provided for ladies only is 826, as shown in the table at page 98 of the Report on Indian Railways for 1936-37, Volume I.

(b) No specific instructions have been issued in this respect, but the general policy is to effect improvements for the greater convenience of passengers to the fullest extent to which funds are available, and the number of waiting rooms is constantly increasing.

(c) Government realise that separate waiting rooms for ladies are a convenience.

**Mr. K. Santhanam :** With reference to the answer to part (a), are they all waiting rooms or halls ?

**The Honourable Mr. A. G. Clow :** My answer covers both.

**Mr. K. Santhanam :** Will the Honourable Member be pleased to furnish information regarding the numbers separately for rooms and halls ?

**The Honourable Mr. A. G. Clow :** If the Honourable Member will refer to the Report I have mentioned he will get all the information I have. I have not got particulars separately.

**Mr. K. Santhanam :** That does not give the information I want. That is why I am asking the Honourable Member this question.

**The Honourable Mr. A. G. Clow :** I have said I have not got particulars separately.

**Mr. K. Santhanam :** May I know, Sir, if there are any lady attendants at these rooms ?

**The Honourable Mr. A. G. Clow :** I think there are in some.

**Mr. K. Santhanam :** Are Government aware that in most places there are no such attendants ?

**The Honourable Mr. A. G. Clow :** That is true.

**Prof. N. G. Ranga :** Are Government aware that in most of these places even police are not posted to prevent these women from being molested by outsiders ?

**The Honourable Mr. A. G. Clow :** The station staff is responsible for seeing that outsiders do not enter the places reserved for ladies.

**Mr. K. Santhanam :** Have Government considered the desirability of lady attendants being appointed in charge of these rooms ?

**The Honourable Mr. A. G. Clow :** Not at all the rooms.

**Shrimati K. Radha Bai Subbarayan :** With regard to part (b) of the question, may I know if Government are prepared to make definite rules ?

**The Honourable Mr. A. G. Clow :** Definite rules for what ?

**Shrimati K. Radha Bai Subbarayan :** Definite rules for providing third class waiting rooms for women ?

**The Honourable Mr. A. G. Clow :** I do not think we can lay down definite rules for that. That must depend on the funds available.

**Shrimati K. Radha Bai Subbarayan :** With regard to part (c), may I ask for an assurance from Government that they will give immediate consideration to this important question of providing waiting rooms for women ?

**The Honourable Mr. A. G. Clow :** I think I have said that this is a matter which has been constantly receiving our attention, and that the number of waiting rooms is increasing.

**Shrimati K. Radha Bai Subbarayan :** May I know if Government will consider the possibility of throwing open first and second class ladies waiting rooms for all women passengers where there are no third class waiting rooms ?

**The Honourable Mr. A. G. Clow :** No ; I am not prepared to answer that without notice.

**Shrimati K. Radha Bai Subbarayan :** May I draw the attention of the Government to the fact that it is far more important for third class women passengers to have waiting rooms as they generally come from long distances and long before the trains arrive ?

**The Honourable Mr. A. G. Clow :** May I point out to the Honourable lady that first and second class lady passengers are generally fewer in number and are, therefore, more likely open to molestation.

**Mr. Muhammad Azhar Ali :** Will Government consider the customary conditions of India like *purdah* and make provision for it ?

**The Honourable Mr. A. G. Clow :** I am afraid I am not clear what the Honourable Member means.

**Mr. Muhammad Azhar Ali :** If *pardanashin* ladies travel, will Government consider the desirability of making arrangements for such ladies ?

**The Honourable Mr. A. G. Clow :** I am afraid I cannot guarantee to make *pardah* arrangements on Railways.

**Mr. Sri Prakasa :** Will Government recommend to the Railways to combine the first and second class waiting rooms, so that a room may be available for third class women passengers without entailing any extra expense to the Railway ? The first and second class lady passenger, being so few, as has been admitted by the Honourable Member, there is no necessity for having two separate rooms at all ?

**The Honourable Mr. A. G. Clow :** That is too general a question for me to answer. The circumstances will depend on the conditions of each station.

**Seth Govind Das :** Is it not a most practicable suggestion to adopt when no harm will be done if two waiting rooms meant for first and second class lady passengers are combined into one, and another one is reserved for third class women passengers ?

**The Honourable Mr. A. G. Clow :** I don't think it is practicable to do that, because there aren't always separate rooms for first and second class lady passengers.

**Seth Govind Das :** In that case will Government see at how many stations there are separate waiting rooms for third class lady passengers ?

(No reply.)

#### RAILWAY ACCIDENTS.

20. **\*Mr. K. Santhanam :** Will the Honourable Member for Railways be pleased to state :-

- (a) how many railway accidents, involving loss of life or serious damage to rolling stock, have occurred between the end of the last Session and the beginning of this Session ;
- (b) the causes of such accidents ; and
- (c) the number of persons who died or were injured and the estimates of the losses incurred by the Railways ?

**The Honourable Mr. A. G. Clow :** (a) to (c). I would refer the Honourable Member to the reply I have given today to Mr. Brojendra Narayan Chaudhury's question No. 10.

**Mr. T. S. Avinashilingam Chettiar :** Of these, how many belong to (a) involving loss of life and (b) danger to property ?

**The Honourable Mr. A. G. Clow :** I think generally all the ten fall in these categories.

**Mr. T. S. Avinashilingam Chettiar :** All the ten ?

**The Honourable Mr. A. G. Clow :** I am not certain.



**Mr. K. Santhanam :** May I know if the statement gives information regarding part (c) ?

**The Honourable Mr. A. G. Clow :** Yes, Sir, it contains two columns, one contains the number of persons killed and the other contains the number of persons injured.

#### OFFICERS PUNISHED FOR DISHONESTY AND CORRUPTION ON RAILWAYS.

21. **\*Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state the number of dishonest or corrupt officials and officers of various grades punished by Railway authorities during the last financial year on each different Railway ?

• (b) Are these punishments being duly notified to other Railway employees, together with brief accounts of the circumstances under which they were meted out ?

(c) If so, how ?

**The Honourable Mr. A. G. Clow :** I am obtaining information and will lay a reply on the table of the House in due course.

#### PRICES OF FRUITS AT RAILWAY STALLS.

22. **\*Mr. Sham Lal :** Will the Honourable Member for Railways be pleased to state :

(a) whether he is aware that the prices of fruits sold at Railway stalls of various Indian Railways are much higher than what they are in the actual markets of those very towns ; and

(b) whether additional facilities for fruits are intended to be provided to Railway passengers ?

**The Honourable Mr. A. G. Clow :** (a) Government have no information as to how the prices of fruits sold by vendors at railway stations compare with prices in the towns, but I should expect the retail price in railway stations to be somewhat in excess of the price in the markets.

(b) I know of no such proposal.

**Dr. Sir Ziauddin Ahmad :** Are Government aware that the prices inside the station differ from the prices outside the station from the same vendor ?

**The Honourable Mr. A. G. Clow :** I should expect that to be so.

**Mr. K. Santhanam :** Have Government got any machinery to compare the prices inside and outside the station ?

**The Honourable Mr. A. G. Clow :** No machinery is maintained for that purpose.

**Mr. K. Santhanam :** Is it not necessary to maintain such machinery for the good of the passengers so that they may not have to pay prohibitive prices ?

**The Honourable Mr. A. G. Clow :** I understand that the rates are sufficiently scrutinised.

**Mr. K. Santhanam :** I am asking if there is any machinery to see that the same prices are charged both outside and inside the railway stations ?

**The Honourable Mr. A. G. Clow :** I don't think you can guarantee that the same prices will be observed.

**Mr. K. Santhanam :** What is the use of putting those prices if they are not to be observed ?

**The Honourable Mr. A. G. Clow :** Just to see that the prices are not excessive.

**Mr. Badri Dutt Pande :** The prices are double inside the station and there is a lot of profiteering. What steps are Government taking to cheapen these prices ?

(No reply.)

#### KIDNAPPING OF CHILDREN ON RAILWAYS.

**23. \*Mr. Sham Lal :** Will the Honourable Member for Railways be pleased to state the number of complaints received during the last financial year by Railwaymen about the kidnapping of children on different Indian Railways, together with the number of their restorations effected so far through Railway Police ?

**The Honourable Mr. A. G. Clow :** No statistics of such complaints are maintained by Railways and I regret that I am unable, therefore, to give the Honourable Member the information he requires.

**Mr. K. Santhanam :** Have there been any complaints at all ?

**The Honourable Mr. A. G. Clow :** I don't think complaints are made to the Railways. Kidnapping is a criminal offence, and complaints are normally made to the police.

**Mr. K. Santhanam :** Have there been any complaints of kidnapping while travelling ?

**The Honourable Mr. A. G. Clow :** I have not seen any personally, but I am quite willing to believe that there may be some.

**Mr. Sri Prakasa :** Does the Honourable Member read "*Ladka Lapata*" (Boys lost) advertisements in the newspapers ?

**The Honourable Mr. A. G. Clow :** Not regularly.

#### IMPROVEMENT IN THE EDITING OF THE *Sarang*.

**24. \*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Honourable Member for Communications be pleased to state :

(i) the qualifications of the Editor of the *Sarang* for the job and the pay he is getting ; and

(ii) the standard of his knowledge in Hindi ?

(b) Are Government aware that there are numerous spelling mistakes in every issue of the paper ?

(c) What steps, if any, do Government intend to take to improve the editing of the paper ?

**The Honourable Mr. A. G. Clow :** (a) The *Sarang* is under the editorial charge of the Editor of the *Indian Listener*, who is assisted in editing the *Sarang* and the *Awaz* by a Sub-Editor who has a sound knowledge of Hindi and nine years editorial experience. The Editor is a graduate of Bombay and London with journalistic and publishing experience and is in receipt of a pay of Rs. 500. The Sub-Editor draws a salary of Rs. 150 per mensem.

(b) No.

(c) Does not arise.

**Mr. Manu Subedar :** Having regard to the gross revenue received by the Government, is the salary of Rs. 500 considered proper by them ?

**The Honourable Mr. A. G. Clow :** That salary is not for editing this paper entirely. He has to do other duties also.

**Mr. Mohan Lal Saksena :** What other duties has he ?

**The Honourable Mr. A. G. Clow :** He is the editor of the *Indian Listener*.

#### EXPERT ENQUIRY re XB ENGINES.

25. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

(a) whether his attention has been drawn to the leading article, under the caption " White Elephant ", published in the *Hindustan* (Delhi), dated the 10th July, 1938, in which the following observations are made :

" XB Engines are made in England and used in India. English experts are coming here to execute an expert enquiry. It cannot be expected from English experts to condemn their goods for Indian markets. This is a grave insult to India. We wish to make it clear that Government should expect no confidence in this enquiry " ?

(b) Have Government taken note of this fact while appointing experts ?

(c) Are Government prepared to consider the desirability of changing the personnel of the experts by replacing them by Indians ? If not, why not ?

**The Honourable Mr. A. G. Clow :** (a) No : but I have seen somewhat similar observations in a Delhi paper.

(b) I am not clear to what fact the Honourable Member is alluding. There is, in my view, no foundation for the suggestion that any reputable expert, whether he comes from the United Kingdom or India, would be in the least influenced in his opinion by the country of origin of a locomotive.

(c) No. The Committee has already been appointed and as I have explained, the assumption on which the Honourable Member's suggestion is made is without foundation.

**Sardar Mangal Singh :** Will the Honourable Member assure the House that none of the persons appointed on this Committee is associated directly or indirectly with any firm manufacturing locomotives in the United Kingdom ?

**The Honourable Mr. A. G. Clow :** So far as I know, there is no possibility of that. One of the members is a Government official and the other two are employed on the railways in the United Kingdom.

**Sardar Sant Singh :** Is it not a fact that the matter was placed before the Standing Finance Committee for Railways at its last meeting ?

**The Honourable Mr. A. G. Clow :** Yes.

**Sardar Sant Singh :** May I know why the recommendation of the Standing Finance Committee for Railways was overruled and a communiqué issued, without further consulting the Standing Finance Committee ?

**The Honourable Mr. A. G. Clow :** If the Honourable Member will wait till the debate on Friday, I shall endeavour to explain the reasons to the House.

**Mr. K. Santhanam :** May I know why this Committee has been appointed without any grant for it, after the grant has been refused ?

**The Honourable Mr. A. G. Clow :** I do not want to argue the point in anticipation of the debate, but the Standing Finance Committee for Railways was in favour of appointing a Committee.

**Mr. K. Santhanam :** Was not the grant refused by a majority of the Committee ?

**The Honourable Mr. A. G. Clow :** It is not a question of refusing or granting, because the Committee has no power to refuse or to grant, but the majority of the Committee were against the proposal as it stood.

**Mr. K. Santhanam :** Is it not a fact that the Committee refused to sanction the grant which was placed before them ?

**The Honourable Mr. A. G. Clow :** They have no power to refuse or to grant, but they advised against the acceptance of the proposal.

**Sardar Sant Singh :** May I know if the proposal will again be placed before the Standing Finance Committee before the Government act upon it ?

**The Honourable Mr. A. G. Clow :** No. It will be placed before the House.

**Mr. Abdur Rasheed Chaudhury :** May I know why no Indian has been appointed on this Committee ?

**The Honourable Mr. A. G. Clow :** An Indian has been appointed on the Committee.

REPORTED ARREST OF INDIANS IN RUSSIA.

26. \***Mr. T. S. Avinashilingam Chettiar** : Will the Foreign Secretary state :

(a) whether he is aware of the news ' Indians in Russia arrested for being Trotskyists ' in the *Hindu*, dated the 12th July, 1938 ;

(b) whether it is true ;

(c) what the circumstances were in which they were arrested ; and

(d) whether Government have taken any steps to protect them ?

**Sir Aubrey Metcalfe** : (a) Government have seen the article referred to in the Press.

(b) and (c). They have been unable at present to obtain any information as to the truth of the statement.

(d) In the absence of such information, it has not been possible to take any such steps.

**Mr. T. S. Avinashilingam Chettiar** : May I know what steps they have taken to find out whether those statements were true or not ?

**Sir Aubrey Metcalfe** : They have enquired from His Majesty's Government who are quite prepared to make enquiries themselves if they receive sufficient information on which to base those enquiries.

**Mr. T. S. Avinashilingam Chettiar** : May I know what they think is sufficient information to set His Majesty's Government in motion to make enquiries on their behalf ?

**Sir Aubrey Metcalfe** : In the first place, I think it would be helpful if we had some information as to the names of the Indians who are supposed to have been arrested and tried.

**Mr. T. S. Avinashilingam Chettiar** : May I know whether any names have been mentioned in the press till now ?

**Sir Aubrey Metcalfe** : One name was mentioned, Mr. Chattopadhyaya I think,—that is the only name that has been mentioned. But I understand that he has not been in India for a great many years so that it is somewhat difficult to trace him and find out what has happened to him.

**Mr. T. S. Avinashilingam Chettiar** : May I know whether Government have made any enquiries at all, or they are not making owing to want of information ?

**Sir Aubrey Metcalfe** : The Government of India have certainly made enquiries from His Majesty's Government. I understand that His Majesty's Government are prepared to make enquiries through their

consular representatives in Soviet Russia, but we have not yet heard the results of such enquiries as they have been able to make.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### WIDENING OF PLATFORM AT VIRAMGAM JUNCTION.

27. **\*Mr. Manu Subedar** : Will the Honourable the Railway Member please state :

- (a) How many trains are passing through Viramgam Junction every day in both directions ?
- (b) Have Government received any suggestions for the widening of the platform at Viramgam Junction ? If so, when ?
- (c) Have Government heard that great inconvenience is being felt by passengers coming from Kathiawar, who have their luggage inspected at Viramgam ?
- (d) Has the attention of Government been drawn to the fact that the platform is a very narrow one with trains standing on both sides, and is altogether incapable of accommodating the passengers and their luggage and of allowing any movements from one end of the platform to the other ?
- (e) Do Government propose to consider the advisability of widening the platform at an early date ?

**The Honourable Mr. A. G. Clow** : (a) Thirteen each way.

(b), (c) and (d). The Senior Government Inspector of Railways in his report for 1935-36 drew attention to the inadequacy of the platform at Viramgam for the number of passengers using it, and mentioned the Customs examination as adding to the congestion.

(e) It is proposed to include the remodelling of the station in the 1939-40 budget.

**Mr. Manu Subedar** : With reference to part (c) of the question, have the Central Board of Revenue made representations to the railway authorities that a platform only about nine feet wide, I think, is not adequate for the purposes of customs examination ?

**The Honourable Mr. A. G. Clow** : I am not aware if they did so or not, but as I have indicated, the platform is inadequate for the purpose for which it is required.

**Mr. Manu Subedar** : Can the Honourable Member assure the House that he would consider the possibility of taking it up a little earlier than he had indicated ?

**The Honourable Mr. A. G. Clow** : No. We have no funds in the budget. It is going to be a fairly expensive business. I think it is going to cost about ten lakhs.

**Mr. Sri Prakasa :** Is it not a fact that at Viramgam railway station a woman examiner for luggage is posted with a key about six feet long and if an eight-anna bit is passed to her, the passengers are saved from the worry of any examination ?

**The Honourable Mr. A. G. Clow :** No. I have no such information.

**Mr. Sri Prakasa :** I have gone through both the experiences—the six feet key and the eight anna bit.

**The Honourable Mr. A. G. Clow :** Has the Honourable Member had the personal experience of passing an eight anna bit ?

#### FREIGHT RATES ON COAL AND COKE BETWEEN BENGAL AND BOMBAY.

28. **\*Mr. Manu Subedar :** (a) Will the Honourable the Railway Member state the cost of transport of (i) coal, and (ii) coke, from the coal-fields in Bengal by (1) land-cum-sea route to the port of Bombay, and (2) all-rail route to Bombay ?

(b) Have Government considered the possibility of collaring this traffic for the railways by a suitable reduction in freight rates ?

(c) If the possibility has been considered, but rejected on account of any reason, will Government state the reasons ?

**The Honourable Mr. A. G. Clow :** (a) The freight charge per ton for coal and coke to Bombay by the rail-cum-sea route *via* Calcutta is approximately Rs. 10-8-0, and by the all-rail route Rs. 12-6-0.

(b) Yes. The position was examined in 1931 when a surcharge of 15 per cent. on the railway freight charge was imposed generally. It was then decided not to levy the surcharge on traffic to Bombay.

(c) Does not arise.

**Mr. Manu Subedar :** Will the railway authorities consider the possibility in their own interests of attracting this traffic which is at present going by water ?

**The Honourable Mr. A. G. Clow :** That possibility has been examined. I would like to explain that out of the total quantity of coal carried, which I think is about 405,000 tons, 260,000 tons is bunker coal, so that there is very little possibility of attracting that type of traffic. The balance which is left could be diverted to some extent if we could reduce our rates. But then we would have to reduce our rates on other coals which are at present carried, and I do not think it would be a commercial proposition.

#### DESIGN AND INSPECTION OF XB ENGINES.

29. **\*Mr. Manu Subedar :** Will the Honourable the Railway Member state :

(a) who designed the XB engines ;

- (b) what the opinion of the Consulting Engineer to the Railways was ;
- (c) who inspected the engines which arrived in India ; and
- (d) how many were ordered, from whom, when, and at what price ?

**The Honourable Mr. A. G. Clow :** (a) and (b). A diagram and general specification for the XB engines were prepared by a Locomotive Standards Committee appointed by the Railway Board. These were forwarded to the Consulting Engineers who prepared preliminary drawings of the general design in consultation with the British Engineering Standards Association and locomotive manufacturers. The preliminary drawings were subsequently approved by the Locomotive Standards Committee and the Railway Board. The working drawings giving the detailed design were prepared by the original builders of the locomotives under the supervision of the Consulting Engineers and an officer placed on special duty for this purpose.

(c) The locomotives were inspected during manufacture by the Consulting Engineers. Locomotives are not subjected to further independent inspection on arrival in this country.

(d) The numbers ordered were 30 in 1926-27, 24 in 1928, 27 in 1929, 16 in 1930 and two in 1935. Of those ordered in 1929, 23 were ordered from Sir W. G. Armstrong Whitworth and Co. and four from the North British Locomotive Company. The others were ordered from the Vulcan Foundry, Limited. The average price of one of these locomotives, delivered in India, was approximately Rs. 1,05,000.

**Mr. Manu Subedar :** What was the individual price that was paid to each firm ?

**The Honourable Mr. A. G. Clow :** I have given the average price. I think the prices vary within small degrees.

**Mr. Manu Subedar :** My intention was to know exactly what was the variation, and why. Will the Honourable Member collect that information if he has not got that already and supply me with that later ?

**The Honourable Mr. A. G. Clow :** Certainly I will. I thought the Honourable Member only wanted the normal price.

**Mr. Badri Dutt Pande :** Are these engines the property of the E. I. Railway, or are they distributed over all the railways ?

**The Honourable Mr. A. G. Clow :** They are on several railways.

**Dr. Sir Ziauddin Ahmad :** Did this Committee consider whether these engines were suitable to the track and the bridges over which they were to run ?

**The Honourable Mr. A. G. Clow :** I do not think there was any question of their suitability to the bridges, but whether they are suitable to every kind of track in India is another matter.



**Mr. Badri Dutt Pande :** When these engines hunted, why were so many engines ordered ?

**The Honourable Mr. A. G. Clow :** I am told that all engines hunt.

**Dr. Sir Ziauddin Ahmad :** Whenever any new engine is introduced, they allow the engine to be run on different lines as an experiment. Has that been acted upon in this case, and why did they begin to order for these engines indiscriminately ?

**The Honourable Mr. A. G. Clow :** As far as I know, the normal practice after the engine has been put together—and that is, of course, a task which is undertaken in India—is to give the engine a short run. Then it is put on a slow train and tested, and it goes to its depot slowly. It is gradually introduced into faster traffic and the results of its operations are carefully observed.

**Dr. Sir Ziauddin Ahmad :** How long did this experiment last ?

**The Honourable Mr. A. G. Clow :** I cannot say. It is hardly an experiment ; it is a matter of trying the engines.

**Mr. Manu Subedar :** May I ask whether the possibility of putting some financial responsibility on the consulting engineers in connection with these engines has been examined by the Government ?

**The Honourable Mr. A. G. Clow :** No, I do not think so.

**Mr. M. Ananthasayanam Ayyangar :** Was it not discovered, after the first consignment was received, that these engines had a tendency to hunt ?

**The Honourable Mr. A. G. Clow :** I am told that all engines have a tendency to hunt. This specific type is rather more likely to hunt than others.

**Mr. K. Santhanam :** Who were the consulting engineers during the years when these engines were ordered ?

**The Honourable Mr. A. G. Clow :** I think it is Rendell, Palmer and Tritton but I cannot be certain about it.

**Mr. Manu Subedar :** Who was the special officer deputed to England when the working drawings were made out ?

**The Honourable Mr. A. G. Clow :** I am afraid I do not know.

**Mr. Manu Subedar :** Will the Honourable Member send me the information later ?

**The Honourable Mr. A. G. Clow :** Will the Honourable Member table a question ? I have not got the information.

**Mr. Sami Vencatachalam Chetty :** May I ask if the XB engines involved in the recent accidents were all manufactured by one company or were they manufactured by several companies ?

**The Honourable Mr. A. G. Clow :** I do not know what the Honourable Member means by ' recent accidents '. The only recent accident in which an XB engine was involved, of any seriousness, was the Bihta one.

**Mr. M. Ananthasayanam Ayyangar :** When it was known that these engines have a tendency to hunt, why were not the later orders cancelled ?

**The Honourable Mr. A. G. Clow :** The question of the purchase and the continued purchase is a matter for the technical committee which is to meet in September and I am not able to anticipate their conclusions.

(b) WRITTEN ANSWERS.

PRODUCTION AND PURCHASE OF COAL BY RAILWAYS.

30. **\*Mr. Manu Subedar :** Will the Honourable the Railway Member state :

- (a) the amount of coal produced in railway collieries and the cost per ton during the last three years ;
- (b) the amount of coal purchased by the railways from other collieries and the price per ton paid during the last three years ; and
- (c) who purchases the coal for the Railway Board, and on the consideration of which factors is the price fixed ?

**The Honourable Mr. A. G. Clow :** The information is being collected and will be placed on the table of the House in due course.

APPOINTMENT OF INDIANS AS AGENTS AND DEPUTY AGENTS ON STATE RAILWAYS.

31. **\*Mr. Manu Subedar :** Will the Honourable the Railway Member state, with reference to the North Western Railway, East Indian Railway, Great Indian Peninsula Railway, and the Eastern Bengal Railway :

- (a) whether any Indian has been the Agent or Deputy Agent on any of these lines since 1915, and, if so, who he was and when ;
- (b) how long such an Indian remained in this office and whether he was the permanent incumbent, or whether he merely acted temporarily ;
- (c) what steps are being taken in order to recruit Indians for these positions ;
- (d) when it is intended to appoint Indians in these positions according to the procedure now adopted by the Railway Board ;
- (e) whether there are any Indians eligible ; and
- (f) whether any Indians will become eligible for these positions in the next ten years ?

**The Honourable Mr. A. G. Clow :** I am obtaining information and will lay a reply on the table of the House in due course.

CONCLUSION OF AN AGREEMENT WITH HIS MAJESTY'S GOVERNMENT IN CONNECTION WITH THE EMPIRE AIR MAIL SERVICE.

32. **\*Mr. S. Satyamurti :** Will the Honourable Member for Communications please state :

- (a) whether he has heard from the Federation of Indian Chambers of Commerce and Industry regarding its strong disapproval and condemnation of the attitude of the Government of India with regard to their action in concluding a fifteen years' agreement with His Majesty's Government in connection with the Empire Air Mail scheme ;
- (b) whether it is a fact that the Standing Finance Committee came to the definite conclusion that it was essential, in view of India's participation in the air mail service, that she should control 75 per cent. of the voting rights and that three-fourths of the Directors should be Indians whose appointment should be subject to the approval of Government and that the full control of the affairs of the company, including the power to remove managing agents, should be vested in the Board of Directors and shareholders (*i.e.*, Imperial Airways, Limited) ;
- (c) the reasons why in this matter Government did not directly consult either the Legislative Assembly, or give the public an opportunity to express their views on the proposals submitted to His Majesty's Government for the reorganisation of the Empire Air Mail services ; and
- (d) the reasons why Government did not provide for the training of Indians for these air mail and seaplane services ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) The conclusion referred to by the Honourable Member was reached in connection with an entirely different proposal, *viz.*, one to subsidise a company to operate an air mail service wholly within India and applied to a very different set of circumstances. As explained to the Standing Finance Committee on the 20th September, 1929, the negotiations in that connection proved abortive. The subsequent arrangements under which Indian Trans-Continental Airways, Limited, was formed to operate jointly with Imperial Airways, Limited, the section of the air service between Karachi and Singapore were fully explained to and approved by the Legislative Assembly on the 20th September, 1933.

(c) The proposals relating to India's participation in the Empire Air Mail Scheme were placed before and approved by the Standing Finance Committee on the 27th February, 1937. The necessary budgetary provision to implement the scheme was made in the budget for 1937-38 and passed by this House. Adequate information and opportunity was thus afforded to the Assembly to discuss the matter.

(d) Government have provided for the training and employment of Indians in the landplane services of the Empire Air Mail Scheme. For financial reasons Government decided to restrict their active participation to the landplane services. Nevertheless qualified Indians are not debarred from employment in any capacity in the seaplane services and arrangements have been made for the training and employment of Indians on the technical ground services on the seaplane route in India. A certain number are already employed.

**CARRIAGE OF MAILS BETWEEN INDIA AND CERTAIN OTHER COUNTRIES BY INDIAN SHIPPING INTERESTS.**

33. **\*Mr. S. Satyamurti** : Will the Honourable Member for Communications please state :

(a) whether he has had from the Federation of Indian Chambers of Commerce and Industry the request that the Director General of Posts and Telegraphs should enter into short term contracts for the conveyance of mails by steamer services between India and Burma, Iran, Zanzibar, Mombasa and Durban, with a view to enabling Indian shipping interests to offer and participate in the carriage of such mails in future ;

(b) what action Government have taken thereon ; and

(c) if no action has been taken, why not ?

**The Honourable Mr. A. G. Clow** : (a) Yes.

(b) and (c). The matter is still under consideration. The Honourable Member will realise that in coming to a decision Government will have to take into consideration the financial effects of the various alternatives.

**ARRANGEMENTS WITH THE IMPERIAL AIRWAYS BY THE GOVERNMENT AS A PART OF THE EMPIRE AIR MAIL SERVICE.**

34. **\*Mr. S. Satyamurti** : Will the Honourable Member for Communications please state :

(a) whether Government have received a memorandum from the Indian Chamber of Commerce, Lahore, on the subject of the new arrangements with the Imperial Airways by the Government as a part of the Empire Air Mail scheme ;

(b) what the arrangements are which have been made ; and

(c) whether there are any attempts being made to evolve a scheme to build up a national civil aviation industry according to the requirements of the country and if so, what they are ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) The Honourable Member's attention is invited to the Memorandum submitted to the Standing Finance Committee on the subject of the Empire Air Mail Scheme, included in the proceedings of that body (Volume XVI—No. 5), dated the 27th February, 1937.

(c) If the Honourable Member is referring to the organisation of air transport services in this country, I need only refer to the air services which have been developed as a result of the Empire Air Mail Scheme. These are Indian Trans-Continental Airways, Limited, who operate on the international route from London to Calcutta; Messrs. Tata Sons who operate between Karachi and Colombo, Bombay and Trivandrum, and Bombay and Delhi; and the Indian National Airways who operate between Karachi and Lahore.

#### REPORT ON THE BIHTA TRAIN DISASTER.

35. **\*Mr. Badri Dutt Pande :** Will the Honourable Member in charge of Railways be pleased to lay on the table a statement showing :

- (i) the action taken after the report of the Honourable Chief Justice Sir John Thom on the Bihta train disaster;
- (ii) the amount of compensation paid so far, and the names of the persons to whom it has been paid; and
- (iii) the result of the enquiry into the workings of the XB Engines?

**The Honourable Mr. A. G. Clow :** (i) I would refer the Honourable Member to the reply I have given to Mr. Avinashilingam Chettiar's starred question No. 9.

(ii) I have not got the names of the claimants and as compensation cases are in progress, the amount offered or paid is constantly changing. But I hope to be able to give some particulars of the progress made, during the debate on Friday, and a complete statement will be compiled at a later date.

(iii) The Honourable Member is referred to the communiqué issued on this subject on the 26th July, 1938.

#### OPENING OF A RAILWAY LINE BETWEEN KASHIPUR AND KALAGARH.

36. **\*Mr. Badri Dutt Pande :** With reference to the answer to my question No. 175 of the 8th February, 1938, will the Honourable the Railway Member be pleased to state if any decision has been arrived at regarding the opening of a railway line from Kashipur (District Nainital) to Kalagarh? If so, what is that decision?

**The Honourable Mr. A. G. Clow :** The estimated amount of the guarantee payable by the United Provinces Government, in the event of this line being constructed, has been intimated to them, and their reply is awaited.

**FACILITIES PROVIDED TO PASSENGERS DURING THE KUMBHA MELA AT HARDWAR.**

37. \***Mr. Badri Dutt Pande** : (a) Will the Honourable the Railway Member be pleased to state the total number of passengers that were transhipped by rail to and from Hardwar during the last Kumbha Mela ?

(b) What was the income that accrued to the Railways ?

(c) How many special trains were run ?

(d) Have the Railway platforms and bridges at Hardwar station been provided with shelters ?

**The Honourable Mr. A. G. Clow** : (a) About 5,93,000 to Hardwar. The number carried from Hardwar cannot be definitely ascertained, as the majority travelled on return tickets.

(b) The earnings from passenger traffic for the period from 12th March to 21st April, 1938, are estimated at Rs. 28,12,000.

(c) From the 12th March to the 21st April, 1938, 400 special trains arrived at Hardwar and 407 left Hardwar.

(d) The island platform is covered for 120 feet and the main platform has a verandah of 236 feet. The overbridges are not covered.

**RAILWAY COLLISION AT HARDWAR DURING THE KUMBHA MELA.**

38. \***Mr. Badri Dutt Pande** : (a) Will the Honourable Member for Railways be pleased to state the circumstances in which a railway collision occurred at the Hardwar Station on the 15th April, 1938, during the Kumbha Mela ?

(b) How many persons were killed and how many injured ?

(c) Was any enquiry held ?

(d) Was any compensation granted to the families of those who were killed and injured ?

(e) If so, to whom was it granted, and what was the amount of such compensation ?

**The Honourable Mr. A. G. Clow** : (a) While an empty rake was being placed in a special mela siding, the rear bogie ran through the buffer stop at the end of the siding and collided with the palisade fencing of a pilgrim enclosure in which a number of passengers were waiting to be admitted to the platform. The fencing collapsed and the vehicle penetrated about 12 feet into the enclosure.

(b) Three persons were killed at the time and 39 injured, of whom five subsequently died in hospital.

(c) Yes.

(d) and (e). The information has been called for and a statement will be laid on the table of the House when it has been received.

### SERIOUS DISORDERS IN WAZIRISTAN.

38A. \***Mr. S. Satyamurti** : Will the Secretary for External Affairs please state :

(a) whether his attention has been drawn to the leading article of the *Statesman* of the 20th July, 1938, entitled ' Waziristan ' ;

(b) whether Government's attention has specially been drawn to these two sentences :

“ Disorders within one week so serious and extensive together with military operations first near Ahnai in the South, and then on a larger scale beyond the Tochi valley in the North, combine to form a disquieting picture, for it is nearly two years since the troubles in Waziristan began. Recently a good deal of dissatisfaction has again been expressed both in India and in Britain about the purposes and effects of the Government of India's Frontier policy, and the demand recurrently put forward that the entire problem should be thought out afresh ” ;

(c) whether Government propose to take any steps in the matter of dealing with the problem from a new angle of vision in the light of this article ;

(d) whether Government propose to consult the North-West Frontier Province Government in this matter, and if not, why not ; and

(e) whether Government are prepared to give facilities to Mahatma Gandhi and Khan Abdul Ghaffar Khan to visit the tribal areas, and if not, why not ?

**Sir Aubrey Metcalfe** : (a) and (b). Yes.

(c) Government are unable to see that the article to which the Honourable Member refers throws any fresh light on the problem of Frontier Administration. That problem is receiving the constant and anxious attention of the Government of India, but it is obviously impossible to make any drastic changes in their general policy until order and peaceful conditions have been restored and it is on this aspect that the efforts of Government are at present concentrated.

(d) and (e). No.

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**Mr. S. Satyamurti** : May I make a submission to you, Sir ? Ten minutes have been taken up with oath taking, and I should like you to extend the question hour to the extent to which it has been taken up by the oath taking.

12 NOON.

**Mr. President** (The Honourable Sir Abdur Rahim) : With regard to this subject of extending the question hour, I am afraid I cannot do it, having regard to the interpretation that has always been put upon Standing Order 10. Standing Order 10 says " The first hour of every meeting shall be available for the asking and answering of questions ". It is not more than the first hour.

**Mr. S. Satyamurti** : It is not less than the first hour either.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Standing Order does not say that. I am not going to make a departure unless the Standing Order is changed.

**Mr. Sri Prakasa** : At the Delhi Session, when the personnel on the other side had completely changed, they took twenty minutes for the oath taking and you were generous enough to allow an extra 20 minutes. There is a precedent there.

**Mr. S. Satyamurti** : I can corroborate what my friend says.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have no recollection of that. Does the Honourable Member want a ruling on this point ?

**Mr. S. Satyamurti** : I do not want a ruling. I only want this, as a matter of grace.

**Mr. President** (The Honourable Sir Abdur Rahim) : I do not think I can allow it.

## UNSTARRED QUESTION AND ANSWER.

### SUBSIDY TO AND EMPLOYMENT OF ASSAMESE ON THE EASTERN BENGAL RAILWAY.

1. **Maulvi Abdur Rasheed Chaudhury** : Will the Honourable the Railway Member please state :

- (a) the amount of subsidy the Eastern Bengal Railway gets from the Government of Assam ;
- (b) the total number of officers and men on the Eastern Bengal Railway appointed from the Province of Assam ;
- (c) the percentage of officers and men from the Province of Assam employed on the Eastern Bengal Railway as compared with the total number of officers and men of the Eastern Bengal Railway ; and
- (d) the amount of subsidy, if any, the Eastern Bengal Railway gets from the Province of Bengal ?



**The Honourable Mr. A. G. Clow :** (a) The Eastern Bengal Railway receives a guarantee from the Government of Assam equivalent to the loss incurred in the construction and working of the Tangla-Belsri-Rangapara Railway. The amount received during the year 1937-38 was Rs. 1,75,000.

(b) and (c). As regards gazetted staff I would refer the Honourable Member to the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected up to the 31st December, 1937, and to the History of Services of the Officers of the Indian State Railways corrected up to the 1st July, 1937, which contain such information as is available with Government. Copies of these publications are in the Library of the House. As regards non-gazetted staff statistics are not prepared by provinces.

(d) The Eastern Bengal Railway does not receive any subsidy from the Government of Bengal.

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## STATEMENTS LAID

*Information promised in reply to starred question No. 159 asked*

## INDIAN AND EUROPEAN OFFICERS IN THE

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Home Department.	1	Secretary ..	1	Under Secretary.	1	Secretary ..	1	Under Secretary.
	1	Joint Secretary			1	Joint Secretary.		
	1	Deputy Secretary.			1	Deputy Secretary.		
	1	Additional Deputy Secretary.			1	Under Secretary.		
					1	Officer on Special Duty.		

## ON THE TABLE.

by Mr. K. Santhanam on the 27th August, 1937.

## GOVERNMENT OF INDIA DEPARTMENTS.

Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937.

Details of changes that took place between the 1st April 1936 and the 1st August 1937.								
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.	Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
No.	Designation.	Name of officer appointed.		14	15	16	17	
10	11	12	13	14	15	16	17	18
1	Officer on Special Duty.	Mr. H. S. Stephenson, I.C.S. (from 23rd December 1936 to 15th April 1937).	(1) Temporary post of Additional Joint Secretary held by a European was abolished on the 3rd April 1936.	20	16.7	..	..	
1	Additional Under Secretary.	Mr. H. S. Stephenson, I.C.S. (from 23rd November 1936 to 22nd December 1936 and from 16th April 1937).	(2) Additional Deputy Secretary.  Post held in abeyance from 30th October 1936 to 29th January 1937 and abolished from 16th April 1937.					
1	Officer on Special Duty.	Sir Maurice Gwyer, K.C.B., K.C.S.I., K.C., (from 14th January 1937 to 2nd April 1937).	(3) Deputy Secretary. Mr. A. S. Hands, C.I.E., M.C., I.C.S., (the substantive incumbent) was granted leave from 30th October 1936 to 29th January 1937 and Mr. G. W. McElhinny, I.C.S., was appointed to officiate. (Both Europeans).					
1	Officer on Special Duty.	Mr. A. H. Joyce, (from 22nd October 1936 to 31st December 1936).						
1	Officer on Special Duty.	Mr. F. H. Puckle, C.S.I., C.I.E., I.C.S., (from 10th May 1937 to date).						
1	Officer on Special Duty.	Mr. R. F. Mudie, C.I.E., O.B.E., I.C.S., (from 7—11th June 1937 prior to appointment as Joint Secretary).						

*Statement showing the changes, etc., that have taken place above the rank of Indian Secretariat and Attached Offices between*

Name of Department or Office.  1	1st April 1938.				1st August 1937.			
	Paid held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
	2	3	4	5	6	7	8	9
Office of the Intelligence Bureau.	1	Director.	1	Asstt. Director.	1	Director ..	1	Asstt., Director.
	1	Deputy Director.						
	1	Personal Asstt.			2	Dy. Directors		
	1	Asstt., Superintendent of Police.			2	Asstt., Directors.		
	1	Govt. Examiner of Questioned Documents.			1	Government Examiner of Questioned Documents.		
	1	Asstt., Examiner of Questioned Documents.			1	Asstt., do.		
Office of the Bureau of Public Information.	1	Director of Public Information.	1	Deputy Director of Public Information.	1	Director of Public Information.	1	Additional Director of Public Information.
	1	Additional Deputy Director of Public Information.			1	Additional Deputy Director of Public Information.	1	Additional Deputy Director of Public Information.

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.								
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.	Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
No.	Designation	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
1	Deputy Director.	Mr. D. Pilditch	The designations of 1 post of Personal Assistant and 1 post of Assistant Superintendent of Police were changed to Assistant Directors.	14.3	12.5	..	..	
1	Additional Director of Public Information.	Mr. S. C. Guha-Thakurta, M.A.	Mr. I. M. Stephens proceeded on leave on 14th April 1937 and Khan Bahadur S. N. A. Jafri performed the duties of Director in addition to his own as Deputy Director up to 19th July 1937, the post of Director remaining in abeyance. Thereafter Mr. Joyce was appointed temporarily as Director. A temporary post of Additional Deputy Director was however created with effect from 1st May up to the 22nd July 1937, and Mr M. S. Islam appointed thereto. The post of Deputy Director has been temporarily converted into that of Additional Director and is	33.3	50	..	..	

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Federal Public Service Commis- sion.	(A)1	Chairman ..			1	Chairman ..		
	(B)1	Member ..	2	Members ..	1	Member ..	2	Members
	(C)1	Secretary ..			1	Secretary ..		

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.

New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.	Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
No.	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
•			held by Khan Bahadur S. N. A. Jafri with effect from 20th July 1937.					
..	..	..	(A) Sir David Petrie, Kt., C.I.E., C.V.O., C.B.E., proceeded on leave from 1st September 1936 preparatory to retirement and Dr. L. K. Hyder, C.I.E., Member officiated as Chairman from that date until 30th November 1936 (F. N.) when the present Chairman, Mr. E. Gordon, C.S.I., C.I.E., I.C.S., took over from Dr. Hyder.	40	40	..	..	
			(B) (i) Mr. D. Reynell, C.I.E., I.E.S., officiated as Member from 1st September 1936 to 30th November 1936 (F. N.) vice Dr. Hyder appointed officiating Chairman.					
			(ii) Dr. Hyder proceeded on leave, preparatory to retirement from 2nd January 1937 and Dr. A. F. Rahman, assumed charge as Member on the 7th January 1937 (F. N.).					
			(iii) Mr. H. S. Crossthwaite, C.I.E., Member proceeded on leave for six months from 2nd April 1937 and Sir Charles Carter Chitham, Kt.,					

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.					1st August 1937.		
	Posts held by—					Posts held by—		
	Europeans.		Indians.			Europeans.	Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
External Affairs Department.	1	Secretary ..	1	Additional Deputy Secretary.	1	Secretary ..	1	Additional Deputy Secretary.
	1	Deputy Secretary.	1	Under Secretary.	1	Deputy Secretary.	1	Under Secretary.
Defence Department.	1	Secretary ..	..	..	1	Secretary ..	..	..
	1	Deputy Secretary.	..	..	1	Deputy Secretary.		
	1	Director, Military Lands and Cantonments.			1	Director, Military Lands and Cantonments.		
	1	Director, Regulations and Forms.			1	Director, Regulations and Forms.		
	1	Under Secretary			1	Under Secretary.		
Department of Education, Health and Lands.	1	Educational Commissioner.	1	Secretary ..	1	Offg. Joint Secretary.	1	Offg. Secretary
	1	Deputy Secretary.	1	Joint Secretary.	1	Educational Commissioner.	1	Additional Deputy Secretary.
	1	Additional Deputy Secretary.			1	Deputy Secretary.		



*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.					
No.	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
			C.I.E., I. P., was appointed as officiating Member.					
			(C) Mr. D. Reynell, C.I.E., I.E.S., made over charge of post of Secretary to Mr. H. Hamill, I.E.S., on 1st September 1936 (F. N.).					
1	Additional Deputy Secretary (created from April 1st 1936).	Mr. K. P. Menon	1 Secretary.—Lt.-Col. A. E. B. Parsons, C. B. E., D.S.O., in place of Sir Aubrey Metcalfe, K.C.I.E., C.S.I., M.V.O.	50	50	..	..	
1	Under Secretary.	Mr. W. G. Alexander, I.C.S.	1 Deputy Secretary.—Major W. R. Hay, C.I.E., in place of Mr. O. K. Caroe, C.I.E.	..	..	..	..	
2	Officers on Special Duty.	Mr. A. P. Hume, I.C.S. Mr. R. K. Nehru, I.C.S.	Mr. A. P. Hume, I.C.S.—Officer on Special Duty from 1st to 2nd June 1936.  Officiating Additional Deputy Secretary, from 4th June 1938 to 8th July 1936.	40	40	1	1	

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Director General, Indian Medical Service.	1	Director General, I. M. S.	1	Deputy Director General, I.M.S.	1	Director General, I.M.S.	1	Assistant Director General, Indian Medical Service.
	1	Public Health Commissioner with the Government of India.	1	Officer on Special Duty.*	1	Deputy Director General, I.M.S.		
	1	Assistant Director General, I. M. S.			1	Public Health Commissioner with the Government of India.		
					1	Deputy Public Health Commissioner with the Government of India.		
					1	Officer on Special Duty.†		

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.					
No.	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
			<p><i>Officer on Special Duty</i> from 12th September 1936 to 23rd October 1936.</p> <p><i>Mr. R. K. Nehru, I.C.S.</i>—Officer on Special Duty from 14th to 28th November 1936.</p> <p>Officiating Additional Deputy Secretary from 27th November 1936 to 7th February 1937.</p> <p><i>Mr. J. C. Powell-Price, I. E. S.</i>, Officiating Educational Commissioner from 1st June 1936 to 9th November 1936.</p>					
1	Deputy Public Health Commissioner with the Government of India.	<p>Capt. A. W. West, I.M.S. (from 22nd June 1936 to 16th July 1937).</p> <p>Lt.-Col. E. Cotter, I.M.S. (from 17th July 1937).</p>	<p><i>Director General, Indian Medical Service</i>—Major General C. A. Sprawson, C.I.E., K.H.P., I.M.S., up to 13th February 1937.</p> <p>Major General E. W. C. Bradfield, C.I.E., O.B.E., K.H.S., I.M.S., from 14th February 1937.</p>	40	16.7	1	1	<p>*The appointment of officer on Special Duty commenced on 8th September 1936 and terminated on 24th April 1936.</p> <p>†For six weeks from 17th July 1937 to 27th August 1937.</p>
1	Officer on Special Duty.	Captain A. W. West, I.M.S. (from 17th July 1937 to 27th August 1937).	<p><i>Public Health Commissioner</i>—Lt.-Col. G. G. Jolly, C.I.E., V.H.S., I.M.S., upto 7th August 1936.</p> <p>Col. A. J. H. Russell, C.B.E., K.H.S., I.M.S., from 8th August 1936.</p>					

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Director General of Archaeology in India.	1	Director General of Archaeology in India.	1	Deputy Director General of Archaeology.	..	..	1	Director General of Archaeology in India.
			1	Assistant Superintendent for Central India and Rajputana.	1	Assistant Superintendent for Central India and Rajputana.	1	Deputy Director General of Archaeology.
Department of Industries and Labour.	1	Secretary ..	1	Under Secretary.	1	Joint Secretary	1	Secretary ..
	1	Joint Secretary	1	Personal Assistant	1	Under Secretary.	1	Deputy Secretary.

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.								
No.	Designation.	Name of officer appointed.	Other changes (if any) in the personnel and number and character of posts.	14	15	16	17	18
10	11	12	13					
			<p><i>Deputy Director General, I. M. S. —</i></p> <p>Lt.-Col. D. H. Raj, I.M.S., upto 14th January 1937.</p> <p>Lt.-Col. A. H. Shaikh, I.M.S., from 15th January 1937 to 14th July 1937.</p> <p>Lt.-Col. E. G. Kennedy, I.M.S., from 15th July 1937.</p> <p><i>Assistant Director General, Indian Medical Service—</i></p> <p>Lt.-Col. W. M. Will, I.M.S., upto 22nd April 1937.</p> <p>Lt.-Col. J. P. Canteenwala, I.M.S., from 23rd April 1937 to 3rd September 1937.</p>					
..	..	..	<p>Mr. J. F. Blackiston, C.I.E., Director General of Archaeology proceeded on leave preparatory to retirement from 20th March 1937 and Rao Bahadur K. N. Dikshit, Deputy Director General of Archaeology appointed to officiate in his place. Mr. M. S. Vats, an Indian, was promoted to the Deputy Director General of Archaeology's place.</p>	66·7	66·7	1	1	
1	*Officer on Special Duty.	Mr. L. B. Gilbert	1. The P. A. to Consulting Engineer to the Government of India (Roads) on	33·3	50	1	2	*Created for the period 8th July 1936 to 23rd July 1937.

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Chief Controller of Stores, Indian Stores Department.	1	Deputy Secretary		the Consulting Engineer to the Government of India (Roads).	1	Consulting Engineer to the Government of India (Roads).	1	Additional Deputy Secretary.
	1	Consulting Engineer to the Government of India (Roads).			1	Officer on Special Duty.	1	Secretary, Coal Mining Committee.
	1	Chief Controller of Stores.	1	Deputy Director of Inspection.	1	Chief Controller of Stores.	1	Deputy Director of Inspection.
	1	Director, Industrial Research Bureau.	1	Deputy Director of Purchase. [One other Indian Officer was officiating as Deputy Director of Purchase on the 1st April 1936 in the arrangement mentioned at (a)].	1	Director, Industrial Research Bureau.	1	Deputy Director of Purchase. [One other Indian Officer is officiating as Deputy Director of Purchase in the arrangement mentioned at (b)].
	2	Deputy Directors of Purchase. (One of these was officiating as Chief Controller of Stores on the 1st April 1936 during the absence of the permanent in-		Deputy Direc-	2	Deputy Directors of Purchase. [One of the two European Officers is on leave and one Indian Officer is officiating in the post (b)].	1	Deputy Director of Administration
			1					

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
No.	Designation.	Name of officer appointed.	Other changes (if any) in the personnel and number and character of posts.	14	15	16	17	18
• 10	11	12	13					
1	†Additional Deputy Secretary.	Mr. N. Mahadeva Ayyar.	1st August 1936 took precedence of Assistant Secretaries by virtue of his personal standing in the Warrant of Precedence. The present P. A. is also an Indian but does not rank above Assistant Secretaries.					†Created for a period of two years with effect from the 1st April 1936. Mr. N. Mahadeva Ayyar was appointed with effect from the 27th April 1936.
1	†Officer on Special Duty.	Mr. C. H. Reynolds.	2. Most of these officers officiated for one another at some time or other. R. B. S. K. Banerjee who has not been named officiated as Under Secretary from 12th March 1937 to 6th April 1937.  3. Mr. Clow was on leave from 8th July 1937 to 7th August 1937, i.e., on 8th August 1937. When he returned Secretary became a European and Joint Secretary an Indian. No other change.					† Created from the 22nd March 1937 to 4th November 1937.
1	Assistant Director of Purchase.	Mr. K. K. Bose (1st May 1936 to 8th July 1937).  Mr. R. P. Mathur (from 9th July 1937 to date).	Director, Industrial Research Bureau.—Mr. N. Brodie proceeded on long leave with effect from the 23rd February 1937 and Mr. E. F. G. Gilmore (previously employed as Superintendent, Government Test House, Alipore, Calcutta) was appointed to the post from the 10th March 1937. (Both Europeans).	60	62.5	..	..	..
2	Assistant Controllers of Purchase.	1. Mr. T. P. Barat (1st December 1936 to 21st June 1937).  2. Mr. P. G. Bhagat (2nd January 1937 to 8th July 1937).						

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
		cumbent on deputation out of India. (a)		tor of Ad- ministration and Intelli- gence.	1	Assistant Di- rector of Inspection.		and Intelli- gence.
	1	Assistant Direc- tor of Inspec- tion.	1	Assistant Di- rector of Ad- ministration and Intelli- gence.	1	Assistant Di- rector, Indus- trial Research Bureau.		Assistant Di- rector of Ad- ministration and Intelli- gence.
	1	Assistant Direc- tor, Industrial Research Bu- reau.	2	Assistant Di- rectors of Purchase.			3	Assistant Di- rectors of Purchase.
			1	Assistant Con- troller of Purchase.			1	Assistant Con- troller of Purchase.
			2	Assistant En- gineers (Ins- pection).			2	Assistant En- gineers (Ins- pection).



*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.					
No.	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
			<p><i>Deputy Director of Administration and Intelligence.</i>—Rai Bahadur J. P. Ganguli, Deputy Director of Administration and Intelligence, proceeded on leave preparatory to retirement with effect from the 20th February 1937 and retired with effect from the 20th June 1937. He was replaced by Rai Bahadur Kirpa Ram who previously held the post of Assistant Director of Administration and Intelligence. (Both officers Indians).</p> <p><i>Assistant Director of Administration and Intelligence.</i>—Rao Sahib V. Subrahmanyam, who previously held the appointment of Personal Assistant to the Controller of Inspection, Calcutta Circle, was appointed as Assistant Director of Administration and Intelligence vice Rai Bahadur Kirpa Ram, with effect from the 15th May 1937.</p> <p><i>Assistant Controller of Purchase.</i>—Mr. R. P. Mathur (who was previously employed in the Karachi Purchase Circle) was posted to the Headquarters Office with effect from the 2nd November 1936 and Mr. A. R. Palit, an officer of the same class, was trans-</p>					

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Controller of Printing and Stationery, India.	1	Controller of Printing and Stationery, India.	..	..	1	Controller of Printing and Stationery, India.	..	..
	1	Deputy Controller of Printing.	..	..	1	Deputy Controller of Printing.	..	..
Civil Aviation Office.	1	Director of Civil Aviation in India.	..	..	1	Director of Civil Aviation in India.	..	..
	1	Deputy Director of Civil Aviation in India.	..	..	1	Deputy Director of Civil Aviation in India.	..	..
	1	Chief Inspector of Aircraft.	..	..	1	Chief Inspector of Aircraft.	..	..
	1	Technical Officer (Temporary).	..	..	1	Technical Officer (Temporary).	..	..
	1	Engineer Officer I (Temporary).	..	..	1	Additional Technical Officer (Temporary).	..	..
	1	Engineering Officer II.	..	..	1	Engineering Officer I (Temporary).	..	..
					1	Engineer Officer II.		

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.								Remarks.
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts	Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	
No.	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
			ferred to the Calcutta Purchase Circle with effect from the 24th December 1936. (Both Indians). <i>Assistant Engineers (Inspection).</i> —Mr. M. Samson proceeded on leave and Mr. T. B. Merchant (previously attached to the Bombay Inspection Circle in the same class) replaced him with effect from the 9th December 1936. Mr. Samson was posted to the Bombay Circle vice Mr. Merchant on the expiry of his leave. (Both Indians).					
..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..
1	Additional Technical Officer (Temporary).	Mr. B. S. Leete	..	..	..	..	..	..

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Controller of Broadcasting.	1	Controller of Broadcasting.	..	..	1	Controller of Broadcasting.	1	Deputy Controller of Broadcasting.
					1	Chief Engineer	..	..
Office of the Director General, Posts and Telegraphs.	1	Chief Engineer (Posts and Telegraphs).	1	Director-General.	1	Chief Engineer	1	Director General.
					1	Senior Deputy Director-General.	1	Deputy Director-General, Finance.
	1	Senior Deputy Director General.	1	Deputy Director General, Telegraphs.	1	Deputy Director General, Telegraphs.	1	Assistant to Deputy Director General, Foreign Mails.
	1	Deputy Director General, Wireless.	1	Deputy Director General, Postal Service.	1	Deputy Director General, Wireless.	1	Assistant Deputy Director General, Establishments B.
	1	P. A. to Chief Engineer.	1	Deputy Director General, Finance.	1	Deputy Director General, Postal Service.		Assistant Deputy Director General (Indian Mails).
	1	Assistant Director of Wireless.	1	Assistant Deputy Director General, Establishments B.	1	P. A. to Chief Engineer.		
	1	Assistant to Deputy Director General, Foreign Mails.	1	Assistant Deputy Director General, (Indian Mails).	1	Assistant Director of Wireless.		
	1	Assistant to Deputy Director General, Establishments A.	1	Assistant Deputy Director General (Traffic).	1	Assistant Deputy Director General, Wireless.		
	1	Assistant to Deputy Director General, Wireless.	1	P. A. to Director General.	1	Assistant Deputy Director General (Traffic).		
					1	P. A. to Director General.		

*Assistant Secretary or the Chief Superintendent respectively in the Government of  
1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.								
No.	Designation.	Name of officer appointed.	Other changes (if any) in the personnel and number and character of posts.	14	15	16	17	18
10	11	12	13					
1	Deputy Controller of Broadcasting.	Mr. A. S. Bokhari.	..	..	33.3	..	..	..
1	Chief Engineer, All-India Radio.	Mr. C. W. Goyder	..	..	..	..	..	..
2	Officers on Special Duty in Director-General's office.	1. Mr. L. C. P. Grant. 2. Mr. S. Shiva Rama Krishnan.	<i>Deputy Director-General, Telegraphs.</i> —Mr. P. N. Mitra on 1st April 1936. Mr. A. Brokenshaw on 1st August 1937.	50	31.3	4	1	*From 1st October 1936 to 31st October 1936. †Posts created on a temporary basis prior to 1st April 1936 and extended from time to time. The post of Assistant Deputy Director General, Budget was subsequently sanctioned permanently from 1st August 1936. The post of Assistant Deputy Director General, Wireless was created from the 1st April 1936 and it was filled on an officiating basis from the 1st April 1936 to the 13th April 1937 by Mr. W.A.G. Phillips, Mr. Taylor having been appointed to that post on a substantive basis from the 14th April 1937.
1	Officer on Special duty.*	K. B. S. R. Kothawala.	<i>Deputy Director-General, Postal Service.</i>					
1	Assistant Deputy Director General, Telephones.	1. Mr. G. Hunt †	Khan Bahadur Ramzan Ali on 1st April 1936. Lt.-Col. S. C. Sinclair on 1st August 1937.					
1	Assistant Deputy Director General, Budget.	1. Mr. A. Ghosh †.	<i>Deputy Director-General, Finance.</i> —Mr. Ghulam Mohammad on 1st April 1936. Mr. T. R. Sadasivam on 1st August 1937. <i>Personal Assistant to Director-General</i> —Mr. J. B. Lal on 1st April 1936. Mr. K. S. Sheppard on 1st August 1937. <i>Assistant Deputy Director-General, Foreign Mails</i> —Mr. A. J. L. Gonet on 1st April 1936. R. S. S. P. Sarbadhikari on 1st August 1937. <i>Assistant Deputy Director-General, Indian Mails</i> —R. B. G. N. Naidu on 1st April 1936. Mr. H. L. Jerath on 1st August 1937.					

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Department of Commerce.	1	Secretary ..	1	Deputy Secretary.	1	Secretary ..	1	Deputy Secretary.
	1	Joint Secretary			1	Joint Secretary.	1	Officer on Special Duty.
	1	Engineer-in-Chief, Lighthouse Dept.	1	Actuary .. Engineer, Lighthouse Department.	1	Under Secretary.	1	Engineer, Lighthouse Department.
	1	Nautical Adviser.	..	..	1	Nautical Adviser.		
	1	Chief Surveyor	..	..	1	Chief Surveyor		
Statistical Research Branch of the Commercial Intelligence and Statistics Department.	..	..	1	Director General of Commercial Intelligence and Statistics.	..	..	1	Director General of Commercial Intelligence and Statistics.
			1	Deputy Director of Statistical Research.	..	..	1	Deputy Director of Statistical Research.

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians re-placed by Europeans.	Number of Europeans re-placed by Indians	Remarks.
No.	Designation.	Name of officer appointed.	Other changes (if any) in the personnel and number and character of posts.	14	15	16	17	18
10	11	12	13					
			<i>Assistant Deputy Director-General, Traffic—</i> R. S. T. R. R. Iyengar on 1st April 1936. Mr. E. D. Geils on 1st August 1937. <i>Assistant Deputy Director-General, Wireless—</i> Mr. F. W. Taylor on 1st August 1937.					
1	Additional Secretary (Temporary).	Mr. H. Dow.	<i>Secretary</i> (Mr. H. Dow, appointed vice Sir Thomas Stewart).	37.5	33.3	..	..	The Actuary's post has been vacant since the death of Mr. N. Mukerji. The Assistant Actuary (Mr. A. Rajagopalan) is at present doing the duties of Actuary in addition to his own.
1	Under Secretary (Temporary).	Mr. H. Ronson.	<i>Joint Secretary</i> (Mr. M. Slade appointed vice Mr. H. Dow).					
1	Officer on Special Duty (Temporary).	Mr. S. C. Sen.	<i>Joint Secretary</i> (Mr. H. S. Malik appointed, vice Mr. M. Slade on leave).					
1	Do.	Mr. N. R. Pillai.						
1	Do.	Mr. Y. N. Sukthankar.						
1	Do.	Mr. R. K. Nehru	<i>Deputy Secretary</i> (Mr. R. K. Nehru appointed, vice Mr. Malik appointed as Joint Secretary).					
1	Do.	Mr. S. C. Sen.	<i>Deputy Secretary</i> (Mr. Y. N. Sukthankar appointed, vice Mr. H. S. Malik). <i>Chief Surveyor</i> (Engineer Commander J. E. Maloney appointed vice Engineer Captain T. S. Page on leave).					
..	..	..	..	100	100	..	..	

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Legislative Department.	1	Secretary.			1	Secretary ..	1	..
	1	Joint Secretary.	2	Joint Secretaries.	2	Joint Secretaries.		
	1	Deputy Secretary.			1	Deputy Secretary.	1	Deputy Secretary.
	2	Solicitors ..	1	Solicitor ..	1	Solicitor ..	2	Solicitors.
Railway Department (Railway Board).	1	Chief Commissioner.	1	Financial Commissioner.	1	Chief Commissioner.	2	Directors.
	1	Member ..	3	Directors ..	1	Financial Commissioner.	5	Deputy Directors.
	1	Secretary ..	5	Deputy Directors.	2	Members ..	1	Officer on Special Duty.
	1	Director ..		..	1	Secretary.		
	1	Deputy Director		..	3	Directors*.		
					1	Deputy Director.		



*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians of 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.								
No.	Designation.	Name of officer appointed.	Other changes (if any) in the personnel and number and character of posts.	14	15	16	17	18
1	Joint Secretary.	Mr. A. deC. Williams, I.C.S.*	One post of Solicitor which was held by an European on 1st April 1936 is held by an Indian on 1st August 1937.	10.7	37.5	..	2	*Held the post of Deputy Secretary on 1st April 1936.
1	Deputy Secretary.	Mr. J. A. Mackeown, I.C.S.	One post of Deputy Secretary which was held by an European on 1st April 1936 is held by an Indian on 1st August 1937.					
1	Member	Mr. A. E. Tylden-Patterson.	(1) Appointment of Mr. B. M. Staig (European) as Financial Commissioner, vice Sir Raghendra Rau.	64	47	2	..	†Mr. R. F. Mudie, was Officer on Special Duty from 23rd April 1936 to 6th June 1937.
1	Officer on Special Duty.	Mr. R. F. Mudie†	(2) Appointment of Mr. B. B. Moody (European) as Secretary, vice Mr. L. H. Kirkness (European).					Mr. K. C. Srinivasan, Officer on special duty from 1st January 1937 to date.
1	Do.	Mr. K. C. Srinivasan.	(3) Appointment of Mr. B. L. Cameron (European) as Secretary, vice Mr. B. Moody (European). (4) Appointment of Mr. Yaqub Shah as Deputy Director, vice K. B. Barkat Ali.					*One of the posts of Directors included in this year has been excluded in 1936. The permanent incumbent of the post was on leave on 1st April 1936 and his post was kept unfilled from 19th March 1936 to 17th September, 1936.

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Chief Controller of Standardisation.	1	Chief Controller of Standardisation.	1	Assistant Chief Controller (Civil).	1	Chief Controller of Standardisation.	1	Assistant Chief Controller (Specification).
	1	Deputy Chief Controller (Civil).	1	Assistant Chief Controller (Specification).	1	Deputy Chief Controller (Mechanical).		
	1	Deputy Chief Controller (Mechanical).			1	Deputy Chief Controller (Civil).		
	1	Assistant Chief Controller (Mechanical).			1	Assistant Chief Controller (Civil).		
	2	Officer on Special Duty.*			1	Assistant Chief Controller (Mechanical).		
					2	Officer on Special Duty.*		

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.					
No.	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
			<p>(5) Appointment of Mr. F. M. Khan as Deputy Director, vice Mr. J. W. C. Holt (European).</p> <p>(6) Appointment of Mr. C. G. W. Cordon (European) as Director, vice Mr. F. D'Souza (Indian) permanent incumbent being on leave.</p> <p>(7) Appointment of Mr. J. Mackinnon (European) as Director, vice Col. H. L. Woodhouse (European) permanent incumbent on leave.</p> <p>(8) Appointment of K. B. Barka† Ali as Director, vice Mr. T. S. Sankara on leave.</p> <p>(9) Appointment of Mr. R. C. Case (European) vice Mr. E. Ingoldby (European) permanent incumbent on leave.</p>					
..	..	..	<p>(1) Mr. R. C. Case was appointed as Deputy Chief Controller (Mechanical), vice Mr. T. G. Creighton proceeded on leave.</p> <p>(2) Mr. Douglas Thompson (European) was appointed as Assistant Chief Controller (Civil), vice Mr. J. V. Stuart-Edwards (Indian).</p> <p>(3) Mr. W. A. Nightingale appointed as Assistant Chief Controller (Mechanical), vice Mr. T. T. Lambie on leave.</p>	25	12.5	1	..	<p>*Mr. W. E. Geslon from 1st November 1935 (still continues).</p> <p>Mr. E. A. Blockwood from 1st November 1935 (still continues).</p>

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Office of the Supervisor of Railway Labour.	1	Supervisor of Railway Labour.	..	..	..	..	1	Supervisor of Railway Labour.
Office of the Timber Advisory Officer.	1	Timber Advisory Officer.	..	..	1	Timber Advisory Officer.	..	..
Finance Department (including the Central Board of Revenue).	1	Secretary.	1	Budget Officer.	1	Secretary.	1	Additional
	1	Deputy Secretary.	1	Financial Adviser, P. & T.	1	Joint Secretary.	2	Joint Secretary. Under Secretaries.
	2	Officers on Special Duty.	1	First Secretary, C.B.R.	1	Deputy Secretary.	1	Finance Officer, Posts and Telegraphs.
	1	Under Secretary.			1	Under Secretary.	1	First Secretary Central Board of Revenue.
	3	Members, C.B.R. (and <i>ex-officio</i> Joint Secretaries, Finance Department).			1	Officer on Special Duty. Do.	1	Officers on Special Duty (Central Board of Revenue).
					2	Members, Central Board of Revenue.	2	

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
No.	Designation.	Name of officer appointed.	Other changes (if any) in the personnel and number and character of posts.	14	15	16	17	18
10	11	12	13					
..	..	..	Mr. K. M. Hassan appointed as Supervisor of Railway Labour, <i>vice</i> Lt.-Col. H.W. Wagstaff.	..	100	..	1	
..	..	..	..	..	..	..	..	
1*	Joint Secretary A.	Mr. E. T. Coates, I.C.S.	A. 1. The post of Joint Secretary was created in lieu of the post of Deputy Secretary reserved for members of the I.C.S.	27.3	46.7	..	..	*These are temporary posts sanctioned for specified periods.
1	Deputy Secretary B.	Mr. K. Sanjiva Row, C.I.E.						
1*	Addl. Secretary C.	Mr. A. J. Raiman, C.I.E., I.C.S.						
1	Finance Officer, Posts & Telegraphs D.	Mr. S. P. Varma, C.I.E.	B. 2. The post of Deputy Secretary was created in lieu of the post of Budget Officer.					† These two posts were created for about 2 months each and do not exist at present.
1†	Additional Finance Officer, Posts & Telegraphs.	Mr. Ghulam Mohammad.						
1†	Officer on Special Duty.	Mr. J. B. Shearer, I.C.S.	C. 3. The post of Additional Secretary was held in abeyance from 25th April 1937 to 19th August 1937.					
1*	Additional Joint Secretary.	Mr. K. Sanjiva Row, C.I.E.						
2	Under Secretaries E.	1. Mr. K. K. Chettur.	D. 4. The post of F.A., P. & T. was abolished from 1st July 1936 and a new post of F. O., P. & T. was created in its place from the same date. The post is being held by Mr. Ghulam Mohammad, an Officer of the I. A. & A. S. from 1st April 1937.					
2*	Officers on Special Duty.	2. Mr. Mohammad Ali.						
2*	Officers on Special Duty, Central Board of Revenue.	1. Mr. L. A. Chapman, I.C.S.						
		2. Mr. H. A. C. Gill, I.C.S.						
		1. Mr. M. P. Kapadia.						
		2. Mr. Pyarelal.	E. 5. Two permanent posts of Assistant Secretary were abolished from 4th May 1937 and two permanent posts of Under Secretary were created in their place.					
			6. The temporary post of Additional Member, C. B. R. was abolished from 26th June 1936.					

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
1	2	3	4	5	6	7	8	9
Military Finance Department.	1	Financial Adviser, Military Finance.	2	Deputy Financial Advisers.	1	Financial Adviser, Military Finance.	3	Deputy Financial Advisers.
	1	*Additional Financial Adviser, Military Finance.			1	Additional Financial Adviser, Military Finance.		
	3	Deputy Financial Advisers.			2	Deputy Financial Advisers.		
Legislative Assembly Department.	..	..	1	Secretary.	..	..	1	Secretary.
Imperial Council of Agricultural Research Department.	1	Vice-Chairman.	1	Secretary, Imperial Council of Agricultural Research.	1	Agricultural Expert.	1	Vice-Chairman (Offg.).
	1	Agricultural Expert to the Imperial Council of Agricultural Research.			1	Animal Husbandry Expert.	1	Assistant Agricultural Expert to the Council.
	1	Animal Husbandry Expert.						
*Office of the Agricultural Marketing Adviser to the Government of India.	1	Agricultural Marketing Adviser to the Government of India.	2	Senior Marketing Officers.	1	Agricultural Marketing Adviser to the Government of India.	2	Senior Marketing Officers.
	1	Senior Marketing Officer.			1	Senior Marketing Officer.		
Reforms Office	1	Reforms Commissioner.	1	Officer on Special Duty.	1	Reforms Commissioner.	1	Officer on Special Duty I.
	1*	Additional Secretary.	1†	Under Secretary.	1	Joint Secretary.	1	Deputy Secretary.
	1	Joint Secretary					1	Officer on Special Duty II.
	1*	Additional Joint Secretary.						

*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—contd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.				Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
New posts (if any) created.			Other changes (if any) in the personnel and number and character of posts.					
No.	Designation	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
1†	Additional Financial Adviser, Military Finance.	Mr. A. Rowlands, M.B.E.	7. The permanent post of Under Secretary was held in abeyance from 4th July 1936 to 6th November 1936 and again from 23rd November 1936 to 8th April 1937. ....	28.6	42.9	..	1	*Temporary appointment from 1st April 1936 to 16th April 1936.  † Temporarily appointed to take up the post of F. A., M. F., from 1st October 1937.
..	..	..	....	100	100	..	..	
1	Assistant Agricultural Expert	Rai Bahadur R. L. Sethi, I. A. S.	....	25	50	..	1	
1	Assistant Animal Husbandry Expert.	Vacant ..						
..	..	..	....	50	50	..	..	*The office of the Agricultural Marketing Adviser to the Government of India has been established for 5 years with effect from 1st January 1935.
1	Officer on Special Duty II.	Mr. K. V. Sundaram, I.C.S.	* Posts abolished. †Converted to post of Deputy Secretary.	33.3	60	..	..	

*Statement showing the changes, etc., that have taken place above the rank of India Secretariat and Attached Offices between*

Name of Department or Office.  1	1st April 1936.				1st August 1937.			
	Posts held by—				Posts held by—			
	Europeans.		Indians.		Europeans.		Indians.	
	No.	Designation.	No.	Designation.	No.	Designation.	No.	Designation.
2	3	4	5	6	7	8	9	.
Office of the Secretary to the Executive Council of the Governor General.	1	Secretary ..	..	.. ..	..	1 Secretary	..	..



*Assistant Secretary or the Chief Superintendent respectively in the Government of 1st April 1936 and 1st August 1937—concl'd.*

Details of changes that took place between the 1st April 1936 and the 1st August 1937.

No.	New posts (if any) created.		Other changes (if any) in the personnel and number and character of posts.	Percentage of Indians on 1st April 1936.	Percentage of Indians on 1st August 1937.	Number of Indians replaced by Europeans.	Number of Europeans replaced by Indians.	Remarks.
	Designation.	Name of officer appointed.						
10	11	12	13	14	15	16	17	18
..	..	..	The post of Secretary was a full time appointment up to 31st July 1936 and was held by Sir Eric Mieville up to 28th May 1936 and, by Captain A. J. Dring from that date to 31st July 1936. Thereafter, as a temporary measure, the duties of the post were discharged by Mr. G. H. Spence, Secretary, Legislative, Department, till 5th November 1936 when Mr. A. deC. Williams, Additional Joint Secretary, Legislative Department, took over charge. This Officer continues to perform the duties of Secretary to the Executive Council.					

*Information promised in reply to unstarred question No. 50 asked by Mr. Govind V. Deshmukh on the 7th September, 1937.*

# POSITION OF DOMICILED INDIANS IN BRITISH COLONIES.

*Statement showing the position of Indians lawfully domiciled in the British Colonies in respect of Political and Trading Rights and Rights to acquire Immovable Property in 1923 and 1936.*

Name of Colony or Dominion.	Political rights.			Trading rights.		Right to acquire immovable property.	
	Position in 1933.	Position in 1936.	Position in 1933.	Position in 1936.	Position in 1923.	Position in 1936.	
1	2	3	4	5	6	7	
<i>Australia—</i>							
Commonwealth	Indians did not enjoy Dominion Franchise.	No disability ..	No disability ..	No disability ..	Indians were disqualified from obtaining leases of land in certain irrigated and reclaimed areas.	No disability except in Western Australia, where it is understood there are certain restrictions with respect to Crown lands.	
Queensland ..	Indians did not enjoy State Franchise.	Do. ..	Do. ..	Do. ..			
Western Australia.	Do. ..	Do. ..	Do. ..	Do. ..			
<i>New Zealand ..</i>	No disability ..	Do. ..	Do. ..	Do. ..	No disability ..	No disability.	
<i>Canada ..</i>	Indians were excluded from the municipal, provincial and federal franchise in the Province of British Columbia. No disability elsewhere.	Same as in 1923 ..	Do. ..	Do. ..	Do. ..	Do.	
<i>South Africa—</i>							
(Cape Province, Natal and Transvaal).	(i) Except in the Cape Province, Indians did not possess the political franchise.	(i) Do. ..	(i) Cape Province .. Indians have the same legal rights as other resident communities.	Same as in 1923	(i) In the Cape Province, Indians have the same rights as Europeans.	No change.	

(ii) In the Cape and Natal provinces Indians possessed the municipal franchise.	(ii) No change in the position in the Cape Province, but in Natal, while the electoral privileges of Indians already on the rolls were safeguarded, no further Indians may be added to the roll since 1924-25.	(ii) <i>The Transvaal</i> —	(a) <i>Outside public diggings.</i>	Indians could obtain General Dealers' licenses to trade anywhere and there was no legal racial discrimination.	(b) <i>Inside public diggings</i> <i>pro-claimed under the Gold Law</i> <i>vide</i> column 6 under the heading "Transvaal (b)".	..	(a) No change ..	..	(b) Inside public diggings pro-claimed under the Gold Law <i>vide</i> Column 7 under the heading "Transvaal (b)".	(ii) <i>The Transvaal</i> —	(a) <i>Outside public diggings.</i>	(1) Indians could not own fixed property anywhere, either directly or indirectly, i.e., through nominal trustees of limited liability companies, except in such localities as the Government might for sanitary reasons assign to them for purposes of residence.	(1) No change.
									(b) They could acquire leasehold rights with respect to fixed property.	(2) They could acquire leasehold rights with respect to fixed property.	(2) No change.	(3) Rights to fixed property acquired by Asiatics before 1st May 1930 are protected and not interfered with.	(3) Rights to fixed property acquired by Asiatics before 1st May 1930 are protected and not interfered with. Fixed property held through European trustees immediately prior to 15th May 1930 is also protected.

Name of Colony or Dominion.	Political rights.		Trading rights.		Right to acquire immovable property.	
	Position in 1923.	Position in 1936.	Position in 1923.	Position in 1936.	Position in 1923.	Position in 1936.
I	2	3	4	5	6	7
					(b) <i>Inside public diggings under the Gold Law :</i>	(b) <i>Inside public diggings under the Gold Law :</i>
					(1) Indians could not own fixed property, including stands inside and outside townships directly or indirectly, i.e., through nominal trustees or limited liability companies anywhere within a public digging except in such localities as the Government might for sanitary reasons assign to them for the purposes of residence.	The position in regard to ownership and occupation of land and trading by Asiatics in the public diggings in the Transvaal has been very closely examined by the Union Government in recent years and amendments have been made by the Transvaal Asiatic Land Tenure Acts of 1932, 1935 and 1936. The Acts are available in the Library of the House and their provisions are too long to be reproduced here. Generally speaking, rights of ownership and occupation acquired prior to 1919 and extended up to 1st May 1930 are protected. Also fixed property held through European trustees immediately prior to 15th May 1930 are protected and not interfered with. The Minister of the Interior may, in consultation with the Minister of Mines and the local bodies concerned, withdraw any land from the restrictive provisions of the Gold Law, in so far as they prohibit residence upon and occupation of land by Asiatics and such withdrawal is subject to the approval of both the Houses of the Union Parliament. In
					(2) They could continue to acquire leases with respect to stands outside townships which had been granted under the Mining Laws prior to 1908.	
					(3) They could not acquire leases in respect to stands outside townships granted after the Gold Law of 1908 came into force.	
					(4) They could not acquire leases with respect to stands inside townships whether then held under the Gold Law title or under a title converted into freehold under the Townships Act No. 34 of 1908.	
					(5) They could obtain trading licences to carry on a trade	

on any of the stands mentioned in (2) and (6), but not in respect of (3) and (4).				the areas so withdrawn, the law provides for the ownership of property by Asiatics. An impartial commission, presided over by a Judge, has scrutinised each case of Asiatic ownership and occupation in the Gold Law area and has compiled a register of legal and illegal occupations. Asiatics can trade freely in the areas withdrawn from the restrictive provisions of the Gold Law and on the stands included by the Commission in the register of legal occupations. If an application for a certificate which is necessary for the grant of a trading licence is refused by a local authority on the ground of insufficiency of title to occupy the land on which the business is to be carried on, an appeal may be preferred to the Magistrate of the District. The decision of the Magistrate on any such appeal is further subject to an appeal to the Transvaal Provincial Division of the Supreme Court.
(6) Under the provisions of the Gold Law of 1908, Indians were safeguarded in the right they acquired with respect to stands inside and outside townships prior to the passage of that Law.				(iii) <i>Natal</i> . No change.
(7) Asiatics who on the 1st May 1919 were carrying on a duly licensed business on proclaimed land or in townships were exempted from the above disabilities as to trade; they, and their <i>bona fide</i> Asiatic employees, as well as their successors in title, were left undisturbed in their business, so long as the latter were confined to the same township in which they were being conducted at that date.				(iii) <i>Natal</i> . No change.
(8) Rights to fixed property acquired by Asiatics by means of forming companies before the 1st May 1919 were protected and not interfered with.				(iii) <i>Natal</i> . Indians were on statutory equality with the other resident communities.
				(iii) <i>Natal</i> . No change.
				(iii) <i>Natal</i> . No change.

Name of Colony or Dominion.	Political rights.		Trading rights.		Right to acquire immovable property.	
	Position in 1933.	Position in 1936.	Position in 1923.	Position in 1936.	Position in 1923.	Position in 1936.
1	2	3	4	5	6	7
<i>British Guiana</i>	No disability	No disability	No disability	No disability	No disability	No disability.
<i>Trinidad</i>	Do.	Do.	Do.	Do.	Do.	Do.
<i>Jamaica</i>	Indians born in the Colony or who had completed 10 years' residence possessed the same rights as the native population.	Same as in 1923	Do.	Do.	Do.	Do.
<i>Kenya</i>	The constitution provided for a communal electoral system for the Municipal and Legislative Councils with reservation of seats for Indians.	Same as in 1923 with increased Indian representation on the Municipal Councils.	Do.	Do.	In practice, Indians were not allowed to own or lease land in the Kenya Highlands for agricultural purposes.	Same as in 1923.
<i>Uganda</i>	There was no political franchise in Uganda, but one Indian member was nominated to the Legislative Council.	Same as in 1923, except that a second Indian member was nominated to the Legislative Council.	Do.	Do.	No disability	No disability.
<i>Tanganyika</i>	A Legislative Council was constituted in 1926 and there are at present two nominated Indian members on it.	No disability	Do.	Do.	Do.	Do.
<i>Nyasaland</i>	No disability	No disability	Do.	Do.	Do.	Do.
<i>Mauritius</i>	Do.	Do.	Do.	Do.	Do.	Do.
	An Indian member was specially nominated to the Legislative Council to represent Indian interests.	There are two nominated Indian members on the Legislative Council.	Do.	Do.	Do.	Do.

<i>Zanzibar</i>	..	No disability	..	No disability	..	Certain Decrees passed in 1934 have in practice interfered with normal Indian trade.	No disability	..	The Alienation of Land (Restriction and Evidence) Decree, 1934 prohibits the alienation of land by Arabs and Africans to others including Europeans except with the sanction of the British Resident.
<i>Northern Rhodesia.</i>	..	Do.	..	Do.	..	No disability	Do.	..	No disability.
<i>Ceylon</i>	..	Political franchise was restrictive owing to certain qualifications required of voters, viz., literacy and possession of property.	..	Do.	..	Do.	Do.	..	Under the Land Development Ordinance No. 19 of 1935, Indians like other non-Ceylonese, unless they are domiciled in Ceylon and possess a Ceylon domicile of origin, cannot purchase Crown land set apart for systematic development by 'Ceylonese'.
<i>Malaya</i>	..	Indians, in common with other communities, had no political or municipal franchise.	..	Do.	..	Do.	Do.	..	No disability.
<i>Fiji</i>	..	There was one nominated Indian Member in the Legislative Council.	..	Do.	..	Do.	Under the Native Lands Ordinance, No. 1 of 1905, and the rules issued thereunder, Indians and other non-natives were prohibited from buying land outright from natives.	..	Same as in 1923.
<i>Southern Rhodesia.</i>	..	Resident Indians enjoyed full municipal and political franchise.	..	None as far as Government are aware.	..	There are certain restrictions in regard to grant of licences to Indian for purposes of trade in native areas.	No information	..	There are certain restrictions in regard to the sale or lease to Indians of Crown lands situated in proximity of native areas.

*N. B.*—(1) Dominions or Colonies not included in the statement either do not have a resident Indian population or do not discriminate against lawfully domiciled Indians.  
 (2) The statement has been prepared from the data available with the Government of India and deals only with the statutory position.

*Information promised in reply to starred question No. 969 asked by Mr. C. N. Muthuranga Mudaliar on the 1st October, 1937.*

**RECOMMENDATIONS OF THE IRVINE COMMITTEE GIVEN EFFECT TO BY THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.**

(a) and (b). The action taken or proposed to be taken on the various recommendations of the Irvine Committee is stated briefly in the appendix to this statement. Copies of the Report of the Committee and of the Regulations and By-laws referred to in the appendix are available in the Library of the House.

(c) The drift of Indian students to the West does not bear much relation to the educational facilities available in India; it depends primarily upon the inclination and resources of the individuals concerned or their guardians or parents. Government have no reason to believe, however, that the Council of the Institute are not alive to the desirability of making the Institute as efficient as possible.

**APPENDIX.**

Para. of the Report of the Irvine Committee.	Brief subject of recommendation.	Action taken or proposed to be taken.
Para. 17 ..	Definition of the aims and objects of the Institute.	Accepted (See Regulation 4).
Paras. 22-23. ..	Correlation of the research work conducted at the Institute with the industrial needs of India.	Accepted.
Para. 33(a) ..	Security of tenure for Professors and Assistant Professors.	Accepted (See By-laws 47-48 and Regulation 32).
Para. 33(b) ..	Control of departmental equipment and personnel.	Accepted (See By-law 29).
Paras. 33 (c) and 44 (c)	Representation of Professors on the Council.	Rejected.
Para. 33 (d) ..	Presentation of Senate business to the Council.	Accepted.
Para. 33 (e) ..	Responsibility of Heads of Departments for courses of study and programmes of research in their Departments.	Final responsibility in the matter has been vested in the Senate of which Heads of Departments are members. [See Regulation 15(g)].
Paras. 34-35 and 52 (e).	Appointment of a Registrar. ..	Accepted (See Regulation 33 and By-law 31). Scale of pay modified.
Para. 39 ..	Composition of the Court. ..	Modified (See Regulation 9).
Para. 40 ..	Allocation of travelling allowance of members of the Court nominated by the Visitor, the Government of India and the Provincial Governments.	Accepted so far as nominees of the Visitor and Central Government are concerned. Reference has been made to Provincial Governments by the authorities of the Institute in respect of the travelling allowance of their nominees.



Para. of the Report of the Irvine Committee.	Brief subject of recommendation.	Action taken or proposed to be taken.
Para. 41 ..	Powers and functions of the Court and term of office of members of the Court.	Accepted (See Regulations 10 and 17).
Para. 42 ..	Composition, powers and functions of the Standing Committee.	Rejected. The Standing Committee has been abolished.
Para. 43 ..	Constitution of a Finance Committee, its powers and functions.	Modified (See Regulations 12-13).
Para. 44 ..	Composition of the Council ..	Modified (See Regulation 11).
Para. 45 ..	Composition and functions of the Senate.	Accepted (See Regulations 14-15).
Para. 52 (a) and paras. 69-71.	Appointment of a Professor of Chemistry.	Action is being taken for the recruitment of a suitable person to fill this post.
Para 52 (b) and (c) and Paras. 72-73.	Appointment of Assistant Professors of (1) Physical and General Chemistry (2) Mineral and Inorganic Chemistry.	Action postponed pending retirement of existing lecturer in the Department, which is expected to take place this year.
Paras. 52(d), 74 and 77.	Appointment of an Assistant Professor of Pharmacological and Medicinal Chemistry.	No action taken as funds are not available for the purpose at present.
Para. 53 (a) ..	Suspension of the post of Professor of Mathematical Physics.	Accepted.
Para. 53 (b) (i) ..	Abolition of the post of Mineralogical and Industrial Chemist.	Will be considered when the present incumbent retired this year.
Para. 53 (b) (ii) ..	Abolition of the post of Personal Assistant to the Director.	Accepted.
Para. 53 (b) (iii) ..	Abolition of the posts of Lecturers in General Chemistry.	Will be considered when the present incumbents retire this year.
Para. 53 (b) (iv) ..	Abolition of the posts of Assistant Mechanics in the Departments of Chemistry and Bio-Chemistry.	Will be considered when the Professor of Chemistry is appointed and his opinion is available.
Para. 53 (c) ..	Replacement of posts of Senior Assistants by posts of Research Assistants on lower pay.	Accepted in principle provided suitable candidates become available on the reduced rate of pay.
Para. 53 (d) & (e) ..	Reduction in the annual grants for working expenses of various Departments and for capital expenditure.	Accepted.
Para. 53 (f) ..	Reduction in the pay of menial servants.	Not considered possible by the Council.

Para. of the Report of the Irvine Committee.	Brief subject of recommendation.	Action taken or proposed to be taken.
Para. 53 (g), (h) and (i).	Reduction in office expenses, Travelling expenses, contributions to societies.	Economies have been effected as far as possible.
Para. 53 (j) ..	Reduction in the pay of departmental clerks.	Not considered possible by the Council.
Para. 53 (k) ..	Reduction in the grant for workshop stores.	Will be considered in connection with the reorganization of the Central Workshop.
Para. 55 ..	Procedure for payment of Government of India's grant to the Institute.	Under consideration of the Government of India.
Para. 71 ..	Appointment of Dr. P. C. Guha as Assistant Professor of Organic Chemistry.	Dr. Guha is already permanent incumbent of this post of Assistant Professor though he has been acting as Professor for some years.
Para. 84 ..	Future of the Department of Electrical Technology.	No decision yet reached by the Council.
Paras. 86—89 ..	Control and management of the central workshop.	The Central Workshop has been placed under the control of the Electrical Department.
Para. 91 ..	Management of hostels ..	The post of Warden was abolished many years ago and students already control their own messing arrangements.
Para. 91 ..	Enlargement of hostel accommodation.	A temporary hostel has been engaged.
Para. 92 ..	Annual supply of information regarding the courses of study at the Institute and the scholarships available, to Universities, Scientific Institutions and Engineering Colleges in India, with a view to attracting more students.	Accepted.
Para. 93 ..	Tuitional fees for certificate courses to be retained.	Accepted.
Para. 94 ..	Number, value and distribution of scholarships.	Generally carried out.
Para. 97 ..	Procedure for filling the posts of Director and Professors.	Accepted (See Regulation 29).
Para. 98. ..	Procedure for filling appointments to the teaching staff below the rank of a Professor.	Accepted with slight modification (See Regulation 31).

*Information promised in reply to parts (a), (b) and (d) of starred question No. 11 asked by Mr. Lalchand Navalrai on the 31st January, 1938.*

### RAILWAY TRAIN ROBBERIES.

(a) The incident referred to occurred on the 15th October, 1937. One of the passengers travelling in a third class compartment (not reserved for women) attempted to wrench from the neck of a woman a necklace and chain valued at about Rs. 600. In the struggle that ensued, the woman who had a child in her arms and the assailant fell out of the train. There were other passengers, including the woman's husband, travelling in the same compartment. The communication cord was pulled and the train stopped. The woman who was slightly injured and the child were picked up, but the assailant escaped with the ornaments.

(b) The number of robberies from women reported in 1936 and 1937 was 16.

(d) Ten of these were in compartments reserved for women and robbers have boarded running trains on some occasions. The remaining six, including that referred to in (a) above, were in general compartments and were committed by other passengers travelling in the same compartment.

*Information promised in reply to parts (a) and (b) of starred question No. 168 asked by Sardar Sant Singh on the 7th February, 1938.*

### EXTENSIONS OF SERVICE GRANTED TO OFFICERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

*Statement showing the number of officers in the Government of India Secretariat who were permitted to continue in service after the age of superannuation during the calendar year 1937.*

Name of Department.	Number.	Designation.	Gazetted or Non-Gazetted.	Reasons for retention.
Legislative Department	1	Assistant Secretary	Gazetted	Extensions granted in the interests of the Public Service, e.g., on account of the desirability of retaining an experienced officer or on account of special qualifications of a particular officer.
Department of Education, Health and Lands.	1	Assistant Secretary	Gazetted	
Imperial Council of Agricultural Research Department.	1	Agricultural Expert to the Council.	Gazetted	
	1	Animal Husbandry Expert.	Gazetted	
Railway Department (Railway Board).	1	Officer on Special Duty.	Gazetted	

*Information promised in reply to starred question No. 287 asked by Mr. Sham Lal on the 15th February, 1938.*

### BUNGALOWS RESUMED IN CANTONMENTS.

(a) The information is given below :—

Cantonment.	Number of bungalow.	Name of the owner.	Price paid.		
			Rs.	A.	P.
Peshawar ..	8, Hospital Road ..	Mr. Rahim Bux ..	5,594	0	0
	44, The Mall ..	Mr. Murari Lal ..	9,378	0	0
	2, Warburton Road ..	Mr. Badrinath ..	8,583	8	0
	1, Sydney Road ..	Mr. Ganga Bishen ..	8,441	0	0
Kohat ..	26 ..	Mr. Mullan Ghulam Sadiq ..	12,500	0	0
	27 ..	Rai Sahib Makhan Singh ..	7,000	0	0
Lahore ..	44 ..	Sardar Ujjal Singh ..	17,534	0	0
Rawalpindi ..	160 ..	Sardar Sohan Singh ..	12,997	0	0
Karachi ..	228, E. I. Lines ..	Mr. Rustom Sorabji Pastakia and others.	11,500	0	0
	231, E. I. Lines ..	Mrs. L. Quanbrough ..	12,581	0	0
	32, Commissariat Lines ..	Miss M. and Miss D. Caesar ..	1,750	0	0

(b) So far the rebuilding of one bungalow has been completed at a cost of Rs. 82,000 so as to provide an officers' mess, and 12 single officers' quarters.

(c) All the bungalows except two were acquired under the Land Acquisition Act.

(d) So far 38 bungalows, for the accommodation of military officers and for municipal reasons.

(e) No.

*Information promised in reply to part (a) of starred question No. 303 asked by Mr. Mohan Lal Saksena on the 16th February, 1938.*

### EXPENDITURE ON ADVERTISEMENTS BY STATE RAILWAYS.

*Statement showing the total expenditure incurred by the State-worked Railways on advertising in newspapers during the 12 months ending 31st March, 1937.*

Railways.	Amount.		
	Rs.	A.	P.
1. Eastern Bengal Railway ..	37,739	3	0
2. East Indian Railway ..	53,419	0	0
3. Great Indian Peninsula Railway ..	19,633	0	0
4. North Western Railway ..	34,797	10	0

*Information promised in reply to a supplementary question to starred question No. 325 asked by Babu Kailash Behari Lal on the 16th February, 1938.*

# CURTAILMENT OF FREE PASS CONCESSION OF WORKMEN ON THE EAST INDIAN RAILWAY.

The rule limiting the issue of passes to retired subordinates, with not less than 30 years' service, which had effect from the 1st January, 1937, applies also to employees who retired prior to that date.

*Information promised in reply to a supplementary question to starred question No. 353 asked by Dr. Sir Ziauddin Ahmad on the 17th February, 1938.*

# ELECTION TO THE CENTRAL LEGISLATIVE ASSEMBLY FOR THE SEAT VACATED BY THE HONOURABLE SIR MUHAMMAD YAKUB.

*Copy of letter No. F. 123-IX|38-C. & G., dated the 4th March, 1938, from the Secretary to the Government of India, Legislative Department, to the Secretary to the Government of the United Provinces, Legislative Department.*

SUBJECT :—*Dr. Sir Ziauddin Ahmad's question in the Legislative Assembly regarding publication of dates in connection with the bye-election in the Rohilkund and Kumaon Divisions (Muhammadan Rural) constituency.*

With reference to the correspondence ending with your telegram No. 342, dated the 11th February, 1938, on the above subject, I am directed to send herewith a copy of the question asked and the answer given in the Indian Legislative Assembly on the 17th February, 1938, together with the supplementary questions and answers thereon and to request with reference to the answer to the penultimate supplementary question the communication to this Department of any observations which the Provincial Government may desire to make.

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*Copy of letter No. 1255, dated the 24th June, 1938, from the Secretary to Government, United Provinces, Legislative Department, to the Secretary to the Government of India, Legislative Department.*

SUBJECT :—*Dr. Sir Ziauddin Ahmad's question in the Legislative Assembly regarding publication of dates in connection with the bye-election in the Rohilkund and Kumaon Divisions (Muhammadan Rural) constituency.*

With reference to the Government of India, Legislative Department letter No. F. 123-IX|38-C. & G., dated March 4, 1938, on the above subject, I am directed to forward for the information of the Government of India copies of the letters received from the district officers in the Rohilkund and Kumaon divisions, reporting in detail the manner in which publicity was given to the date fixed for nomination of candidates in connexion with the above bye-election, and to say that the Provincial Government have no reason to suppose that due publicity was not given in the constituency or that the information was kept confidential.

2. I am to add that in future information about such matters will be given to the Press through the Director of Public Information, United Provinces.

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*Copy of a letter No. 1111|XXIX-22, dated June 6, 1938, from the District Officer, Bareilly, United Provinces, to the Secretary to Government, Lucknow.*

With reference to your letter No. 646|XVII-148-1938, dated April 23, 1938, and a subsequent reminder No. 1187, dated May 31, 1938, I have the honour to state that notices were published on the notice board and appeared in the local vernacular papers. Unfortunately I have not been able to trace the particular paper or papers which published

the news. It has been traced in the District Gazette of Budaun, and all the leading daily papers, e.g., the *Pioneer* and the *Statesman*, published a report that Sir Raza Ali intended to stand for the vacancy. The occurrence of the vacancy was well known in Bareilly.

*Copy of a letter No. 1129, dated May 23, 1938, from the District Officer, Moradabad, to the Secretary to Government, Legislative Department, U. P., Lucknow.*

With reference to your letter No. 646|XVII-148-1938, dated April 23, 1938, I have the honour to say that the notices for the dates of nomination and election were pasted on the sadar Notice Board and also on the notice boards of the tahsils. A copy of notice was also circulated amongst the prominent persons in each tahsil. A few names, as required by you, to whom the notice was circulated are given below :—

1. S. Ali Muttaqi Khan of Amroha.
2. K. B. Syed Nabi Hadi of Amroha.
3. Masum Hasan, Rais of Amroha.
4. Riasat Ali, Moradabad.
5. Riaz Ahmad, Moradabad.

*Copy of a letter No. 648|XXIX-3, dated May 10, 1938, from the Collector, Budaun, to the Secretary to Government, Legislative Department, U. P., Lucknow.*

With reference to your letter No. 646|XVII-148-1938, dated April 23, 1938, I have the honour to say that the date of nomination of candidates was published in this district through the Tahsildars who deputed their Supervisor, Kanungos and village patwaris to give a wide publicity of these dates in their circles. Notices were also pasted on the Tahsil Notice Boards, and the Collector's office at Sadar Collectorate for general information of public. A notice was published in the district gazette newspaper of 1st February, 1938, the next issue of this paper after the receipt of the original G. O. No. 100 (2)|XVII-107-1938.

*Copy of letter No. 411|XXIX-1, dated May 7, 1938, from the District Officer, Shahjahanpur, to the Secretary to Government, Legislative Department, U. P., Lucknow.*

With reference to G. O. No. 646|XVII-148-1938, dated April 23, 1938, I have the honour to say that the date of nomination of candidates to the Central Legislative Assembly in the bye-election caused by the resignation of Sir Muhammad Yakub was published by posting the Urdu and Hindi notices at the Notice Board of Tahsils. A notice was also circulated among the prominent persons of the district and the Kanungos and Patwaris informed the public in general.

*Copy of letter No. 1606|XXIX-17, dated May 6, 1938, from the Deputy Commissioner, Almorah, to the Secretary to Government, U. P., Legislative Department, Lucknow.*

With reference to your letter No. 646|XVII-148-1938, dated April 23, 1938, I have the honour to state that a copy of notification No. 100|XVII-107-1938, dated January 22, 1938, was forwarded to all the Sub-Divisional Officers of the District on January 24, 1938, for giving the widest publicity and a copy of the Notification was also pasted on the notice board of my court room for the information of the public.

*Copy of letter No. 1354|XXIX-23, dated May 3, 1938, from the Deputy Commissioner, Garhwal, to the Secretary to Government, United Provinces, Legislative Department.*

With reference to your letter No. 646, dated April 23, 1938, I have the honour to say that the dates were notified (1) in Barahsyun sub-division through circle Kanungos and notice board, (2) in Chamoli sub-division through Bar Association, circle patwaris and court and Tahsil notice board, and (3) in Lansdowne sub-division on notice boards.

*Copy of letter No. 2034, dated May 4, 1938, from the Deputy Commissioner, Naini Tal, to the Secretary to Government, U. P., Legislative Department, Lucknow.*

\* With reference to your letter No. 646|XVII-148-1938, dated April 23, 1938, I have the honour to state that the date was notified by each tahsil by beat of drum in the bazars and posting notices at important places in rural areas, for the information of the general public.

*Copy of letter No. 1207|XXIX-7-5, dated April 28, 1938, from the District Officer, Bijnor, to the Secretary to Government, Legislative Department, U. P., Lucknow.*

With reference to your letter No. 646|XVII-148-1938, dated April 23, 1938, I have the honour to state that copy of G. O. No. 100|2-XVII-107-1938, was published at each Tahsil and headquarters. A notice to that effect was also pasted to each Tahsil notice board and at the entrance of the Tahsil as well as at headquarters. Furthermore the date of nomination of candidates to the Central Legislative Assembly was also announced at each Tahsil and at headquarters by beat of drum.

*Copy of letter No. 509, dated April 30, 1938, from the District Officer, Pilibhit, to the Secretary to Government, U. P., Legislative Department, Lucknow.*

With reference to G. O. No. 646|XVII-148, dated 23rd April, 1938, I have the honour to say that copies of the notification No. 100|XVII-107, dated 22nd January, 1938, were sent to the Chairmen, Municipal and District Boards, Tahsildars, Secretary, District Congress Committee and the Rural Development, Inspector and a copy was pasted at the Kutchery Notice Board. Publicity was given by the Tahsildars through Patwaris and by the Chairman of Pilibhit Municipal Board by pasting it on municipal notice boards and at several other conspicuous places in the city. The Chairman, District Board, sent vernacular note of the notification to all the members of the Board and to the Chairman of the District Education Committee for public through teachers. The District Congress Committee gave publicity by pasting a copy on their Notice Board.

The following are the names of the prominent gentlemen who were informed personally.

S. Mohd. Zaki, Vakil.

M. Abdul Majid Khan, Vakil.

M. Abdul Rashid Khan, zamindar.

M. Maqsd Alam Khan—an old resident of Pilibhit.

M. Mohammad Husain, Trader.

M. Abdul Qayum, zamindar.

R. B. Babu Ram Bahadur Saxena, Mukhtar, Chairman, District Education Committee.

*Information promised in reply to parts (c) and (d) of starred question No. 362 asked by Mr. Manu Subedar on the 18th February, 1938.*

#### MATCH FACTORIES IN INDIA.

(c) 42.

(d) 5.

*Information promised in reply to starred question No. 429 asked by Mr. C. N. Muthuranga Mudaliar on the 22nd February, 1938.*

#### INDIAN MUSEUM " IN ENGLAND.

(a) Yes.

(b) A proposal to remove the Indian collections from their present accommodation and to allocate them between the Victoria and Albert Museum and the projected new branch of the British Museum was once under consideration by the authorities concerned but has since been abandoned.

(c) Yes.

(d) Does not arise.

*Information promised in reply to parts (b), (c) and (d) of starred question No. 436 asked by Mr. Akhil Chandra Datta on the 22nd February, 1938.*

#### FOOD RESEARCH INSTITUTE AT COONOOOR AND NOURISHMENT OF INDIANS.

The scheme of nutrition research drawn up at the first meeting of the Nutrition Advisory Committee of the Indian Research Fund Association in June, 1936, is designed to provide information of the type asked for. The scheme envisages the carrying out of surveys of the diet and state of nutrition of sample groups throughout the country in order to define accurately the problem of nutrition in India. For this purpose expenditure amounting to Rs. 1,50,000 over a period of 5 years, was sanctioned, and a special staff of field workers appointed by the I. R. F. A. Other workers, not financed by the I. R. F. A., but who are nevertheless in touch with the Director of Nutrition Research, are engaged in similar investigations.

Considerable progress has been made with this scheme, and surveys having been carried out, or are in progress, in a number of different areas, including Madras, Mysore, Assam, Kashmir, Punjab, Delhi Province, Bengal, United Provinces, Central Provinces, Orissa, etc. The results of surveys in the Madras Presidency have already been published in the Indian Journal of Medical Research.

Work of this nature will enable the deficiencies of the diets consumed in various parts of the country to be defined, and will provide a basis for the adjustment of local agricultural policy to nutritive requirements. Sir John Russell, in his Report on agriculture in India, recommended the carrying out of nutrition surveys in each Province in order to discover what are the chief deficiencies in dietary. The survey work which has already been carried out under the auspices of the I. R. F. A. and which will be extended to other areas in the near future is fully in tune with this recommendation. The nutrition Advisory Committee of the I. R. F. A., at its third meeting held in New Delhi in November, 1937, declared that "the present scheme of work is producing fruitful results and should be continued along similar lines. The main objective should be to obtain a clear cut picture of the problem of nutrition in India, and to discover methods of improving the diet of the population which are feasible under present economic conditions".



The data already collected show that it is impossible to generalise about diet in different parts of India. Unquestionably the diet of the average villager, in many parts of the country, is deficient in quality, being largely composed of rice or other cereals, and lacking such foods as milk, fruit and vegetables in sufficient quantities. Such a diet tends to impair physical development and is an important factor in the production of ill-health and disease. On the whole, deficiencies of diet are more marked in the rice-eating areas of India, particularly South India, than areas in which the staple cereal is whole wheat, and milk and vegetables are available in greater abundance.—

In many parts of the country the diet of a considerable percentage of the population may be insufficient in quantity. This percentage will naturally vary from place to place, being highest in areas subject to recurrent famine.

Experiments and surveys on the matters referred to by the Honourable Member are at present being actively pursued. Although results to date indicate that owing to the allocation of large areas to a limited variety of crops diet deficiencies do characterise these areas, the data so far available do not permit the detailed information asked for being given.

*Information promised in reply to starred question No. 455 asked by Mr. C. N. Muthuranga Mudaliar on the 23rd February, 1938.*

#### POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

(a) Apart from three persons confined as State Prisoners under Regulation III of 1818 there were in February last 11 persons convicted for offences committed from what might be considered political motives who were confined in the Chief Commissioners' Provinces (except Baluchistan).

(b) Of the fourteen (including State Prisoners) five belonged to the United Provinces, two each to Bengal and the Central India Agency, and one each to Bombay Presidency, Central Provinces, Ajmer-Merwara, Loharu State and Alwar State.

(c) No.

(d) Only one prisoner made a request for a transfer, which was granted.

(e) Apart from three State Prisoners, six persons were imprisoned for violent and five for non-violent offences. The five persons imprisoned for non-violent offences were sentenced to short terms of imprisonment which have expired.

*Information promised in reply to unstarred questions Nos. 38 and 40 asked by Qazi Muhammad Ahmad Kazmi on the 24th February, 1938.*

#### PAY OF SORTERS ON STATE RAILWAYS AND IN POSTAL DEPARTMENT.

*Unstarred question No. 38.*—(a) Presumably the Honourable Member is referring to non-gazetted staff ; if so, the reply is in the negative.—The rates of pay on railways are fixed in relation to the nature of the work to be done.

(b) Government are informed that the scale of pay of sorters on the East Indian Railway is Rs. 18—1—27, and of cover sorters on the Eastern Bengal Railway is Rs. 30—2—40. Sorters are not employed on the North Western and Great Indian Peninsula Railways.

A statement showing the scales of pay of sorters in the Posts and Telegraphs Department is laid on the table of the House.

*Statement showing the Scales of Pay of Sorters in the Indian Posts and Telegraphs Department.*

Old scales.		New scales.	
Upper Division.	Lower Division.	First Grade.	Second Grade.
Rs.	Rs.	Rs.	Rs.
35—5—135	35—4—75	90—4—110	35—35—3—86
40—5—140	40—4—80	95—4—115	40—40—3—85
45—5—145	45—4—85	100—4—120	45—45—3—90
40—6—100—5—150	40—5—90	....	....
50—5—150	50—4—90	....	....
50—6—110—5—160	50—5—100	....	....
60—5—160	60—4—100	....	....

**CLASSIFICATION OF EMPLOYEES PERFORMING CLERICAL WORK AS MENIAL SERVANTS ON STATE RAILWAYS.**

*Unstarred question No. 40.*—(a) The Rule on the subject is as follows :—

“ Inferior service ” means any kind of service in a scale of pay the maximum of which does not exceed Rs. 30 per mensem and any other kind of service which may be specially classed as such by the Governor General in Council or in the case of staff belonging to a railway by the Agent of that Railway.

(b) Presumably the Honourable Member is referring to the Letter Delivery Clerks of the East Indian Railway. If so, the position is that in 1935, posts of Letter Delivery Clerks, classified as subordinate, were abolished and were replaced by sorters in the inferior establishment. The Letter Delivery Clerks were eligible to subscribe to the Provident Fund while the sorters are not so eligible. When the change was made the Letter Delivery Clerks continued on their own scales of pay and allowances until they could be absorbed in other vacancies for which they were considered suitable. In September, 1935, however, those men whom the Administration had not been able to absorb were placed in the new category of sorters (Inferior establishment) to save them from discharge. From the date of their transfer as sorters they became ineligible for membership to the Provident Fund.

*Information promised in reply to Mr. T. S. Avinashilingam Chettiar's supplementary question to starred question No. 528 asked by Mr. Sham Lal on the 1st March, 1938.*

**NEPOTISM IN THE AGRA CANTONMENT BOARD.**

The result of the enquiry shows that the Bazaar Choudri, Faiyaz Mohammad Khan, a tax collector, Aijaz Mohammad Khan, are brothers and their cousin is the wife of Sher Mohammad Khan, a member of the Cantonment Board, Agra. The mother of

the Assistant Hackney Carriage Inspector, Manzoor Ali, is also a cousin of Sher Mohammad Khan. These officials were appointed prior to the enactment of sub-section (4) of section 36 of the Cantonments Act, 1924, which now regulates such appointments.

*Information promised in reply to part (c) of starred question No. 532 asked by Mr. Mohan Lal Saksena on the 1st March, 1938.*

#### RELEASE OF POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

(c) On the 1st March, 1938, there were 14 prisoners including four repatriated from the Andamans, who were convicted in the Chief Commissioner's Provinces, for offences connected with terrorist and other subversive movements. Six of these prisoners have since been released.

*Information promised in reply to starred question No. 579 asked by Bhai Parma Nand on the 2nd March, 1938.*

#### DISTINCTION BETWEEN LITERATE AND ILLITERATE CLEANERS AND FIREMEN ON THE NORTH WESTERN RAILWAY.

Government are informed as follows :

(a) and (b). The instructions in the letter referred to by the Honourable Member related to cleaners only and not to fireman, and aimed at the recruitment of a greater number of literate cleaners (grade II). These instructions did not imply preferential treatment of literate cleaners for promotion to the posts of firemen or shunters over illiterate ones.

(c) and (d). Yes.

(e) The orders were cancelled for administrative reasons in 1934 and not in 1933 as stated by the Honourable Member.

(f) It was not the intention of the North Western Railway administration to accord preferential treatment to literate cleaners over illiterate ones.

(g) Government do not consider any reconsideration of the question is called for.

*Information promised in reply to starred question No. 599 asked by Babu Kailash Behari Lal on the 2nd March, 1938.*

#### BOGIE CARRIAGES ON RAILWAYS.

(a) The Honourable Member is referred to statement 10-B of the Report by the Railway Board on Indian Railways for 1936-37, Volume II.

(b) and (c). The attention of the Honourable Member is invited to the reply given in the Legislative Assembly on the 3rd September, 1937, to Mr. Amarendra Nath Chattopadhyaya's starred question No. 303. Statements showing carriages, providing third and intermediate class accommodation to improved designs, programmed for construction during 1937-38 and 1938-39 are attached.

*Statement showing lower class carriages and compartments which have been constructed to improved designs on State-owned Railways during 1937-1938.*

*(Figures include throw-forwards from previous years and exclude carry-forwards into 1938-39).*

Railways.	Broad Gauge.	Metre Gauge.	Remarks.
Assam Bengal ..	....	6 Bogie III class .. * 2 Bogie III Class ..	* Rebuilt on old underframes.
Bombay, Baroda and Central India.	1 Bogie II and III .. 19 Bogie III ..	2 Bogie I, II and III. 10 Bogie III. 5 Bogie III and Mail. 6 Bogie III and Brake.	
Eastern Bengal ..	1 Bogie I, II and Inter.	....	
East Indian ..	24 Bogie I, II and Inter.	....	
Madras and Southern Mahratta.	....	2 Bogie III. † 1 Bogie III, Brake and Luggage.	† M. S. Railway stock.
Rohilkund and Kumaon.	....	‡ 4 Bogie III ..	‡ Rebuilt on old underframes.
South Indian ..	....	1 Bogie Post and III.	
Total ..	45	39	

*Statement showing lower class carriages and compartments which will be constructed to improved designs on State-owned Railways during 1938-39.*

*(Figures include throw-forwards from previous years.)*

Railways.	Broad Gauge.	Metre Gauge.	Remarks.
Bengal Nagpur ..	7 Bogie Brake Luggage and III 2 Bogie III .. 1 Bogie Inter and III .. 28 Bogie III .. 1 Bogie Inter .. 26 Bogie III .. 6 Bogie III, Luggage and Brake. 3 Bogie III, Luggage, Brake and Postal.	.... .... .... .... .... .... ....	
Assam Bengal ..	....	8 Bogie III. * 7 Bogie III class ..	* To be rebuilt on old underframes.
Bengal and North Western.	....	9 Bogie Lower class. 30 Six-wheeled Lower class. 20 Bogie Lower class.	To be built on old underframes.

Railways.	Broad Gauge.	Metre Gauge.	Remarks.
Bombay, Badora and Central India.	3 Bogie III, Luggage and Guard compartment. 1 Bogie I, II and III 3 Bogie II and III .. 1 Bogie III and Mail 1 Bogie Inter and Mail 8 Bogie III .. ..	3 Bogie III and Mail. 13 Bogie III and Brake. ..... ..... ..... ..... .....	
Eastern Bengal ..	4 Bogie Inter and III 6 Bogie III .. .. 4 Bogie III, Luggage and Brake. 4 Bogie I, II, Inter and III. 7 Bogie III, Luggage and Brake. 4 Bogie I, II, Inter and III. 8 Bogie Inter and III 12 Bogie III .. .. 9 Bogie III, Luggage and Brake. 12 Bogie III .. .. 1 Bogie III and Brake	3 Bogie I, II and Inter. 4 Bogie III. 1 Bogie Inter and III. 2 Bogie III, Luggage and Brake. 1 Bogie III and Postal. 5 Bogie I, II, Inter and III. 1 Bogie Inter and III 5 Bogie III. 2 Bogie III, Luggage and Brake. 17 Bogie III. 1 Bogie III and Postal.	
East Indian ..	9 Bogie I, II and Inter 8 Bogie III, Luggage and Brake. 12 Bogie III .. .. 4 Bogie Inter .. .. 4 Bogie II and Inter	..... ..... ..... ..... .....	
Great Indian Peninsula.	3 Bogie I, II and III 6 Bogie I, II and III	..... .....	
Madras and Southern Mahratta.	1 Bogie II, Inter and III 2 Bogie II, Inter and III 1 Bogie II, Inter and III. 3 Bogie II and III .. 3 Bogie III, Brake and Luggage.	2 Bogie II, Inter and III 7 Bogie III, Brake and Luggage. 2 Bogie II and III. 2 Bogie II, Inter and III 1 Bogie II and Inter. 5 Bogie III, Brake and Luggage.	
Rohilkund and Kumaon.	.....	4 Bogie III .. .. 2 Bogie Inter and III	} To be rebuilt on old underframes.
South Indian ..	1 Bogie III .. .. 1 Bogie III .. ..	4 Bogie I, II and III. 1 Bogie III and Brake. 1 Bogie Indian Buffet and III. 70 Bogie III. 14 Bogie III. 3 Bogie III and Postal. 6 Bogie II and III. 22 Bogie III and Brake. 16 Bogie III. 2 Bogie Indian Buffet and III.	
Total ..	220	296	

*Information promised in reply to unstarred questions Nos. 48, 49 and 50 asked by Qazi Muhammad Ahmad Kazmi on the 2nd March, 1938.*

### PROMOTION OF C CLASS GUARDS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

*Unstarred question No. 48.*—(a) 'C' class guards may be promoted to 'D' class without passing the assistant station master's examination, but they are required to pass it before confirmation.

(b) The Honourable Member is referred to Rule 15 of the Rules for the recruitment and training of non-gazetted staff (except apprentice mechanics, trade mechanics, labourers and inferior staff) on State-managed railways, a copy of which is in the Library of the House.

(c) The maximum pay of a 'C' class guard is Rs. 130 and that of an 'F' class assistant station master is Rs. 290. These posts are not on the same or identical time-scales.

### GRIEVANCES OF F CLASS ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

*Unstarred question No. 49.*—(a) The Honourable Member is referred to Rules 10 and 15 of the Rules for the recruitment and training of non-gazetted staff (except apprentice mechanics, trade mechanics, labourers and inferior staff) on State-managed railways, a copy of which is in the Library of the House.

(b) Normally Controllers are qualified in assistant station masters' duties. The posts of Transportation Inspectors are selection posts and both Controllers and Assistant Station Masters are in the same avenue of promotion leading to the posts of Transportation Inspectors. Presumably the Honourable Member is seeking information as to how many Controllers, who are not qualified as assistant station masters, have been promoted as Inspectors. If so, the position is that all men promoted permanently as Transportation or Commercial Inspectors during the last two years on the East Indian Railway are qualified in assistant station masters' duties. As regards the pay of 'F' class assistant station masters, it is not clear to which day the Honourable Member is referring but the pay of 'F' class assistant station masters of the Oudh and Rohilkund Railway cadre is Rs. 260—10—290. As regards the last part, staff would not be promoted to the posts of Inspectors unless they were considered competent to perform the duties of those posts.

(c) The combined seniority list of higher grade Transportation staff maintained by the Chief Operating Superintendent of the East Indian Railway for the purpose of regulating promotions to posts controlled by that officer, other than selection grades, is followed subject to suitability for promotion, a condition which is clearly essential.

### GRIEVANCES OF F CLASS ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

*Unstarred question No. 50.*—(a) There is no old grade of station masters starting at or rising to Rs. 200. Rs. 200 is the revised (1934) grade corresponding to old Oudh and Rohilkund Railway grade Rs. 300—10—340, and there are no men in that revised grade as yet. The question of comparative seniority, therefore, does not arise.

(b) On the Moradabad Division of the East Indian Railway, there is a definite restriction against the posting of 'F' class assistant station masters as 'D' class station masters because such a procedure would deprive the 'C' class station masters of their avenue of promotion. On the Lucknow Division, there is no such restriction, but 'F' class assistant station masters are not promoted to 'D' class station masters if such a step would be unfair to any of the 'C' class station masters.

(c) The reply to first part is in the negative. The second part does not arise.

(d) The number of permanent 'F' class station masters at present is 7, of them one reached the maximum of the grade in 1926, one in 1927, one in 1928, two in 1930, one in 1931 and one in 1933.

*Information promised in reply to starred question No. 654, asked by Maulvi Muhammad Abdul Ghani on the 5th March, 1938.*

# COMMUNAL COMPOSITION OF APPRENTICES TAKEN FOR TRAINING IN THE WORKSHOPS OF CERTAIN RAILWAYS.

*Statement showing the number of apprentices recruited in the Engineering Department of State-managed Railways during the period 1934 to 1937.*

Railways.	Hindus.	Muslims.	Sikhs.	Europeans and Anglo- Indians.	Indian Chris- tians.	Others.	Total.
			1934.				
E. B...	..	..	..	..	..	..	..
E. I. ..	..	1	1	1	..	..	3
G. I. P.	..	..	..	1	..	..	1
N. W.	..	..	..	..	..	..	..
			1935.				
E. B...	..	7	3	1	..	..	11
E. I. ..	..	7	2	4	..	..	13
G. I. P.	..	..	..	..	..	..	..
N. W.	..	4	10	1	..	..	18
			1936.				
E. B...	..	..	..	..	..	..	..
E. I. ..	..	3	1	1	..	..	5
G. I. P.	..	3	2	5	1	..	11
N. W.	..	..	4	1	2	..	7
			1937.				
E. B.	..	1	2	2	..	..	5
E. I. ..	..	..	..	..	..	..	..
G. I. P.	..	..	1	8	..	1	10
N. W.	..	..	..	..	..	..	..

*Information promised in reply to a supplementary question to starred question No. 721 asked by Mr. Manu Subedar on the 9th March, 1938.*

**BEGGARS, ETC., ON RAILWAY PLATFORMS.**

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

No. 610-T.

*Dated Simla, the 30th May, 1938.*

To

THE AGENTS, ASSAM BENGAL, BENGAL AND NORTH WESTERN, BENGAL NAGPUR, BOMBAY, BARODA AND CENTRAL INDIA, EAST INDIAN, EASTERN BENGAL, GREAT INDIAN PENINSULA, MADRAS AND SOUTHERN MAHRATTA, NORTH WESTERN, ROHILKUND AND KUMAON, AND SOUTH INDIAN RAILWAYS.

*Beggars on railway premises.*

DEAR SIR,

I am directed to enclose a copy of the following questions asked by Mr. Manu Subedar in the Legislative Assembly :—

No. 721 on the 9th March, 1938,

No. 1123 on the 31st March, 1938,

of the replies given to them and of the supplementary questions and answers that followed. As these indicate other members of the Legislature also appeared to be of the opinion that the nuisance caused by beggars obtaining access to railway premises called for action.

2. The Railway Board are aware, from your reply to their letter No. 610-T., dated the 26th August, 1936, of the instructions you have already issued to your staff on the subject, but would be glad if the matter were again brought to the notice of the staff, with a view to more stringent action being taken for an improvement in the position.

3. I am to suggest that Station Masters might be encouraged to exercise more freely the power they have, under rule 15, Chapter II, Part II, of the General Rules for working Open Lines of Railways, of removing from railway premises "any person not being a *bona fide* passenger nor having any business connected with the railway".

Yours faithfully,

FRANK D'SOUZA,

*Director, Railway Board.*

D. A. Questions and Answers referred to.

No. 610-T., dated the 30th May, 1938.

Copy with a copy of the questions and answers referred to, forwarded for information, to the—

Manager, Jodhpur Railway,

Agent, H. E. II. the Nizam's State Railway,

Agent, Mysore State Railway.

By order,

FRANK D'SOUZA,

*Director, Railway Board.*



*Extracts from the Legislative Assembly Debate, dated the 9th March, 1938.*

BEGGARS, ETC., ON RAILWAY PLATFORMS.

721. \**Mr. Manu Subedar* : Will the Honourable Member for Railways and Communications state :

- (a) whether the railway authorities invite or permit cripples or any other beggars on the railway platforms or on the permanent way to importune for alms ;
- (b) whether the railway authorities have prosecuted any beggars for trespass during the last five years anywhere in India ;
- (c) whether any complaints have been received from passengers or others of the nuisance ; and
- (d) if the reply to part (a) be in the negative, why such a nuisance continues almost everywhere on the railways ?

*The Honourable Sir Thomas Stewart* : (a) No.

(b) Government have no information.

(c) Yes.

(d) By reason of the pertinacity of the class in question.

*Mr. Manu Subedar* : Are the Government satisfied that they have full legal rights to prosecute any such persons ?

*The Honourable Sir Thomas Stewart* : I must ask for notice of a question as to the legal position.

*Mr. N. M. Joshi* : In view of the fact that these beggars are giving a lot of trouble to the railways, will the Indian railways approach the Provincial Governments asking them to pass poor laws and making arrangements for these people ?

*The Honourable Sir Thomas Stewart* : I do not think it is the function of the railway administration to initiate legislation.

*Mr. K. Ahmed* : In view of the fact that the Nominated Member representing labour is very unkind to the nuisance created by these beggars.

*Mr. N. M. Joshi* : No, no ; I am asking that these beggars should be properly provided for by poor laws.

*Mr. K. Ahmed* : . . . will the Government refer the matter to a society called the Calcutta Society for the Prevention of Cruelty to Animals, both as regards the East Indian and the Eastern Bengal Railways ?

*The Honourable Sir Thomas Stewart* : If the Honourable Member is referring to the S. P. C. A., I suggest that he addresses his question to my Honourable friend, Sir Girja Shanker Bajpai.

*Mr. K. Ahmed* : Are Government aware that a certain amount of money is spent by the Government towards the Society and that a number of officers are also appointed semi-officially to conduct the affairs of the Society successfully ?

*Mr. President* (The Honourable Sir Abdur Rahim) : I cannot allow that question.

*Mr. Manu Subedar* : Have Government sent any circulars on the subject to the railway station masters and others ?

*The Honourable Sir Thomas Stewart* : I am informed that the railways have been paying attention to this question and I am prepared to draw their attention again to the necessity for doing something to improve matters.

*Mr. Manu Subedar* : If any such circular is sent, will the Honourable Member place it on the table of the House ?

*The Honourable Sir Thomas Stewart* : Yes, Sir.  
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### BEGGER NUISANCE TO TRAVELLER INSIDE THE RAILWAY PRECINCTS.

1123. \**Mr. Manu Subedar* : Will the Honourable Member for Communications state :

- (a) whether Government have satisfied themselves that they have got full legal rights to prosecute any trespassers, whether such trespassers are using railway platforms or railway permanent way, for purposes of begging or otherwise ;
- (b) whether any prosecutions have taken place for beggary ;
- (c) what sort of punishments are given at present ;
- (d) whether Government are advised that the law at the present moment in this respect is not adequate ; and
- (e) what steps Government have taken to reduce the beggar nuisance to travellers inside the railway precincts ?

*The Honourable Sir Thomas Stewart* : (a) Yes.

(b) and (c). Government have no information : the matter being one for local railway officials to take cognizance of as and when occasion arises.

(d) No.

(e) No action was necessary, as Government were aware that Railway Administrations were taking such steps as they considered expedient to deal with the situation. I will, however, as already stated in my reply to the Honourable Member's supplementaries in connection with his question No. 721 on the 9th March, 1938, draw their attention to the desirability of improving matters in this respect.

*Seth Govind Das* : Are Government aware that this beggary is increasing on account of the economic policy of Government and on account of increasing unemployment.

*The Honourable Sir Thomas Stewart* : No.

*Mr. Lalchand Navalrai* : Is the Honourable Member aware that these beggars are allowed on the platform, out of pity, by the station staff themselves ?

*The Honourable Sir Thomas Stewart* : I can easily believe that this is the reason why beggars are allowed on the platform.

*Mr. Badri Dutt Pande* : Is it a fact that this nuisance of beggary is the greatest on the Rohilkund and Kumaon Railway ?

*The Honourable Sir Thomas Stewart* : I am not aware of it.

*Mr. Lalchand Navalrai* : Is the Honourable Member going to issue a circular to Station Masters through Agents not to allow beggars in as they are causing great inconvenience and are a nuisance to passengers ?

*The Honourable Sir Thomas Stewart* : I refer him to my reply to part (c) of this question.

*Mr. N. M. Joshi* : May I ask whether Government will make a representation to Provincial Governments for providing poor houses or other institutions for these beggars ?

*The Honourable Sir Thomas Stewart* : No, Sir, I do not think that is the function of this Government.

*Mr. Badri Dutt Pande* : Are they running special trains for the free carriage of *sadhus* to Hardwar ?

*Mr. President* (The Honourable Sir Abdur Rahim) : That does not arise.

*Information promised in reply to part (b) of starred question No. 725 asked by Mr. Mohan Lal Saksena on the 9th March, 1938.*

### AIR-CONDITIONED CARRIAGES ON RAILWAYS.

During the months of December, 1937 and January, 1938, 27 per cent. of A class passengers travelled in air-conditioned coaches from Bombay Central and stations *en route* to Delhi and 35 per cent. from Delhi and stations *en route* to Bombay Central.

*Information promised in reply to starred question No. 731 asked by Mr. J. D. Boyle on behalf of Lieut.-Colonel Sir Henry Gidney on the 9th March, 1938.*

#### UPPER SUBORDINATES PROMOTED TO LOWER GAZETTED SERVICE ON RAILWAYS.

(a) Since the introduction of the Lower Gazetted Service on the State-managed Railways, the number of upper subordinates permanently promoted to that service is 45 on the East Indian Railway, 15 on the Eastern Bengal Railway 51 on the Great Indian Peninsula Railway and 42 on the North Western Railway.

(b) and (d). Under the Rules no officiating promotion is permissible from the Lower Gazetted Service to the junior scale, but when an officer of the Lower Gazetted Service officiates in the senior scale he is given an officiating allowance of Rs. 100 per mensem. There is, at present, only one officer officiating in the senior scale who was promoted from the Subordinate to the Lower Gazetted Service. He is on the North Western Railway.

(c) Of the Lower Gazetted Service Officers referred to in part (a) above, three have been permanently promoted to the junior scale on the East Indian Railway, two on the Eastern Bengal Railway, two on the Great Indian Peninsula Railway and one on the North Western Railway. None of these has been promoted permanently to the senior scale.

(e) According to the present policy, of the total vacancies in the superior services to be filled by Indian recruitment 20 per cent. are filled by promotion of suitable and deserving men belonging to the subordinate or the Lower Gazetted Service. Government do not consider any revision of this policy is called for.

*Information promised in reply to starred question No. 789 asked by Mr. H. M. Abdullah on the 17th March, 1938.*

#### HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

	Total number of lambardars.	Total area given.
(a).—		
Lyallpur .. .. .	1,636	43,864 acres.
Sheikhupura .. .. .	245	6,517 acres, 6 kanals and 14 marlas.

*Information promised in reply to starred question No. 821 asked by Sardar Sant Singh on behalf of Mr. H. M. Abdullah on the 18th March, 1938.*

#### GENERATING COST OF THE RAILWAY POWER HOUSE AT KALKA.

The generating costs at the North Western Railway Power House at Kalka are :—

Running costs .. .. .	0.904 annas per unit.
Fixed charges .. .. .	0.988 annas per unit.
Total cost per unit .. .. .	1.892 annas per unit.

*Information promised in reply to starred question No. 828 asked by Mr. B. B. Varma on behalf of Mr. Muhammad Azhar Ali on the 18th March, 1938.*

**CRITERION OF EFFICIENCY AND INEFFICIENCY APPLICABLE TO TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.**

Government are informed as follows :—

(a) The efficiency or inefficiency of a teacher is judged by the standard of his work and the general conduct in the school in which he is serving.

(b) This depends on circumstances.

(c) The executive officer appointed by the Divisional Superintendent to manage the school.

(d) (i). For European or Indian schools in the plains, the Executive Officer and for the Oak Grove School, two Governors.

(ii) The reply to the first part is in the affirmative, but it is pointed out that the answer given to unstarred question No. 100 referred to staff removed from service without the assigning of any reason. The second part does not arise.

(e) As regards the first part, the reply is in the affirmative. The second part does not arise.

*Information promised in reply to part (b) of unstarred question No. 85 asked by Mr. Kuladhar Chaliha on the 18th March, 1938.*

**ACCIDENTS ON THE DIBRU SADIYA RAILWAY AND ABSENCE OF FENCING.**

(b) A parcel van in the rear of the train was derailed, but no one was injured.

*Information promised in reply to part (g) of starred question No. 856 asked by Bhai Parma Nand on the 21st March, 1938.*

**SCHEME PROPOSED BY THE SHRADHANAND DEPRESSED CLASSES MISSION TO ESTABLISH A DEPRESSED CLASSES SETTLEMENT IN DELHI.**

(g) Subsequent information from the Chief Commissioner shows that neither of the two persons who made the claim was in fact a Rajput. This modifies the answer already given to part (d) and the second part of part (e) of the Honourable Member's question.

*Information promised in reply to starred question No. 876 asked by Mr. Akhil Chandra Datta on the 21st March, 1938.*

**ALLEGED CORRUPTION IN THE HEALTH DEPARTMENT OF THE DELHI MUNICIPALITY.**

A memorial signed by the Secretary, Mehtar's Union, and accompanied by a typed list of the names of 139 sweepers was received by the Medical Officer of Health on the 22nd April, 1937. This memorial contained a complaint of corruption among the supervising staff. The Medical Officer of Health informed the Secretary that he would enquire into any specific case of corruption brought to his notice. On the 2nd May, 1937, the Secretary replied suggesting the appointment of a special

officer and attaching a second typed list of the names of 380 sweepers. The Medical Officer of Health then invited the Secretary to see him, but he did not do so. No special officer has been appointed, but the sweepers have been told repeatedly to report cases of corruption direct to the Medical Officer of Health.

*Information promised in reply to unstarred question No. 105 asked by Maulvi Syed Murtuza Sahib Bahadur on the 23rd March, 1938.*

#### COLLISION OF SPECIAL MELA TRAINS AT KALAT RAILWAY STATION, NORTH WESTERN RAILWAY.

• The Agent of the North Western Railway states that, subsequent to the reply given to starred question No. 1050 on the 10th October, 1936, it was decided not to prosecute the Assistant Station Master who was, however, discharged from the service in accordance with the terms of his agreement.

The pointsman was found guilty under sections 304-A and 338 of the Indian Penal Code and sentenced to three years' rigorous imprisonment.

*Information promised in reply to starred questions Nos. 1035 and 1049 asked by Mr. Mohan Lal Saksena on the 28th March, 1938.*

#### CLASSIFICATION OF JOURNEYMEN ON THE EAST INDIAN RAILWAY IN THE SENIORITY LIST.

*Starred question No. 1035.*—Government are informed as follows :

(a) Yes. It may, however, be mentioned that the statement in part (d) of starred question No. 1324 asked by Mr. D. K. Lahiri Chaudhary on the 2nd April, 1935, and referred to in part (b) of starred question No. 258 asked by Mr. A. N. Chattopadhyaya on the 11th February, 1936, related to the lower journeymen grade to which *mistries*, etc., were promoted, and not to the journeymen grade Rs. 100|130—10—170 to which technically trained apprentices were appointed.

(b) A common seniority list has lately been drawn up chiefly for the purpose of eliminating inequality in treatment of the staff in the various workshops of the East Indian Railway. In the seniority list only those who were technically trained as 1st class apprentices have been ranked as chargemen (T. T.).

(c) No. This is a matter within the competence of the Agent, and as explained above no person other than those who were technically trained have been classed as chargemen (T. T.).

(d) Government have delegated full powers to local administrations in such matters and are not prepared to interfere.

#### CLASSIFICATION OF JOURNEYMEN ON THE EAST INDIAN RAILWAY IN THE SENIORITY LIST.

*Starred question No. 1049.*—The Honourable Member is referred to the information laid on the table of the House in connection with parts (b) and (c) of starred question No. 1035 asked on the 28th March, 1938.

*Information promised in reply to starred questions Nos. 1053, part (h), and 1054 asked by Mr. Kuladhar Chaliha on the 28th March, 1938.*

#### ACCIDENT BETWEEN LANGCHALIET AND LAILALUNG ON THE ASSAM BENGAL RAILWAY.

*Starred question No. 1053.*—(h) The Railway Administration deposited on the 14th May, 1938, with the Deputy Commissioner, Nowgong, a sum of Rs. 3,000 as compensation payable to the relations of the deceased driver.

The spare crew, three in number, travelling by the train who were injured, have been given their full pay under the rules of the railway for the period they were absent under medical treatment, as follows :—

(i) driver	..	..	..	Rs. 22-8-0 on 16th April, 1938.
(ii) fireman	..	..	..	Rs. 10-1-0 on 16th April, 1938.
(iii) augwalla	..	..	..	Rs. 8-9-0 on 12th April, 1938.

Augwalla Aliarzam was paid Rs. 45-12-0 on 11th June, 1938, in accordance with the Railway's rules, and a further amount of Rs. 10-9-0 will be paid to him shortly.

Augwalla Mizazar Rahman is still in hospital and the compensation due to him under the rules has not yet been paid.

#### ACCIDENT FROM A SHUNTING ENGINE AT AMLAPUTTI ON THE DIBRU SADIYA RAILWAY.

*Starred question No. 1054.*—(a) Yes.

(b) No ; the police report found that the railway was in no way to blame.

(c) Government have no reason for believing that the existing precautions are inadequate.

*Information promised in reply to unstarred question No. 128 asked by Mr. Satya Narayan Sinha on the 1st April, 1938.*

#### WATER METER RENTS FOR QUARTERS IN NEW DELHI.

The rent for water meters in New Delhi is as follows :—

Size of meter.				Rate.
$\frac{1}{2}$ " diameter or below	..	..	..	Rs. 12/- per meter per month.
$\frac{3}{4}$ " and 1" diameter	..	..	..	Rs. 1 per meter per month.
Above 1" diameter	..	..	..	Rs. 2 per meter per month.

The rent naturally varies according to the size of the meter installed ; there is no distinction between orthodox and unorthodox quarters.

*Information promised in reply to starred question No. 1160 asked by Mr. Mohan Lal Saksena on behalf of Mr. Sri Prakasa on the 4th April, 1938.*

**DIRECTIONS TO MUNICIPALITIES IN AJMER-MERWARA NOT TO GIVE PRINTING WORK TO CERTAIN PRESSES.**

(a) Yes.

(b) No.

(c) Does not arise.

(d) Yes ; under rule 129 of the Municipal Account Code (published in the Gazette of India, Part II-A, dated the 22nd May 1937).

(e) It was considered necessary in the public interest to impose this restriction.

(f) Two of them were ordered to deposit security in 1937 under the provisions of the Indian Press Act, while a third printed a book which was declared forfeited by the Local Administration as it contained matter the publication of which was punishable under section 124-A, Indian Penal Code. The remaining presses are not considered suitable for receiving Government work, since they print matter which shows hostility to Government or is likely to excite communal hatred.

*Information promised in reply to parts (a) and (b) of starred question No. 1165 asked by Mr. Manu Subedar on the 6th April, 1938.*

**CONCESSION IN POSTAGE RATES ON SPECIAL NUMBERS OF NEWSPAPERS.**

(a) In the United Kingdom, special issues of newspapers which do not form part of the regular series but are issued apart from or in addition to the series are not allowed to be transmitted at the concessional rates of postage for registered newspapers. Likewise, special numbers, which though forming part of the regular series, do not consist wholly or in great part of political or other news or articles relating thereto or to other current topics or are otherwise of a character which is at variance with the description of newspapers, as contained in the Post Office Act, are not entitled to the concessional rate.

(b) The practice is the same in India.

*Information promised in reply to part (b) of starred question No. 1166 asked by Mr. T. S. Avinashilingam Chettiar on the 6th April, 1938.*

**NEPAL POST OFFICE.**

(b) The present monthly income of the Nepal Post Office is Rs. 1,313 while the estimated average monthly cost is Rs. 2,293.

*Information promised in reply to starred question No. 1191 asked by Mr. Badri Dutt Pande on the 6th April, 1938.*

**ACCIDENTS DUE TO LACK OF WIRE-FENCING ALONG THE RAILWAY LINE IN ALLAHABAD CITY.**

(a) No.

(b) The Railway land is protected by standard wire-fencing properly erected.

(c) Yes.

(d) The East Indian Railway pointed out to the applicant that there could be no danger to children or cattle unless they trespassed within the railway fencing, and informed her that there was no objection to her erecting a fence on her own land at her own cost in addition to the railway fence as had been done by some of her neighbours.

(e) One woman was run over and killed on 28th June, 1933, while trespassing on the line at mile 514 which is near the residence above-mentioned. There is no record of cattle having been run over near the site.

*Information promised in reply to parts (a), (b) and (c) of starred question No. 1204 asked by Mr. Mohan Lal Saksena on the 6th April, 1938.*

#### PROVISION OF CERTAIN AMENITIES TO LESSEES AND AUCTION OF PLOTS IN NEW DELHI.

(a) Yes. The perpetual lease-hold of 268 plots in Block No. 205 was auctioned on the 2nd February, 1936. The amount realised by the sale was Rs. 4,25,140.

(b) No.

(c) Only about 20 houses have so far been built on the 268 plots sold. Government are not aware that any great inconvenience is being experienced by the lessees. The question of providing the necessary amenities is receiving attention. There is no reason for waiving the recovery of the ground rent.

*Information promised in the reply to starred question No. 1224 asked by Mr. Amarendra Nath Chattopadhyaya on the 6th April, 1938.*

#### QUALIFICATIONS AND SALARIES OF THE PROFESSORS OF BENGALI AND ENGLISH IN THE DELHI UNIVERSITY.

(a) Bengali is not a separate Department of study in the Delhi University. There is a joint Department of Sanskrit, Hindi and Bengali. The Head of this Department is Mahamahopadhyaya Pandit Lachmi Dhar, M.A. (Punjab), M.O.L. (Punjab), Shastri (Punjab). He is *ex-officio* Convener of the Committee of Courses and Studies in Bengali and has some knowledge of the subject. He is a member of the staff of St. Stephen's College, Delhi, and his salary is Rs. 450 per mensem.

(b) The Head of the English Department of the Delhi University is Mr. C. B. Young, M.A. (Oxon.). He had a distinguished career at Oxford and has been a successful teacher of English for more than 25 years. He is a member of the staff of St. Stephen's College, Delhi, and his salary is Rs. 750 per mensem.

(c) Most of the teachers of the University are employees of the constituent Colleges which meet their pay. Government have no information as to the exact amount of work which each of these teachers is required to do, and are unable to interfere with the arrangements made by the College authorities.

*Information promised in reply to starred question No. 1227 asked by Sardar Sant Singh on the 6th April, 1938.*

#### REPRESENTATION OF SIKHS IN THE STAFF OF THE DELHI MUNICIPALITY.

(a) and (b). A statement giving the information asked for by the Honourable Member is attached. There are 17 Sikhs of whom 12 are employed in the junior clerical staff.



(c) and (d). In making appointments the rules made by the Delhi Municipal Committee for the registration of candidates for Municipal employment are followed. Under these rules candidates are selected by a Board consisting of the President and the two Vice-Presidents of the Committee. There is a 10 per cent. reservation of all posts for Christians, Jews, Parsis and Sikhs, but there is no specific reservation for members of any one of these four minority communities. In the circumstances no question of completing a quota of Sikhs arises.

*Statement showing the total Strength of the Junior Grade Clerks, the Senior Grade Clerks and Superintendents and Officers and Teachers employed by the Delhi Municipality.*

•	Grades.	Total strength.	No. of Sikhs employed.
(i)	Junior Grade Clerks .. .. .	359	12
(ii)	Senior Grade Clerks, Superintendents and Officers .. .. .	84	2
(iii)	Teachers in Municipal Schools .. .. .	541	3
	Total .. .. .	984	17

*Information promised in reply to part (a) of starred question No. 1237 asked by Mr. Lalchand Navalrai on behalf of Sardar Sant Singh on the 7th April, 1938.*

#### REPRESENTATIONS FROM THE INDIAN ARMY SERVICE CORPS CIVILIAN ASSOCIATION.

(a) 45 up to end of March, 1938. None of them attained the maximum pay of the grade.

*Information promised in reply to starred question No. 1249 asked by Mr. Badri Dutt Pande on the 7th April, 1938.*

#### RESIGNATION OF ELECTED MEMBERS OF THE NASIRABAD CANTONMENT BOARD.

(a) Four out of the seven elected members of the Cantonment Board, Nasirabad, submitted their resignations on account of differences of opinion with other members of the Board.

(b) Yes.

*Information promised in reply to starred question No. 1267 asked by Mr. Manu Subedar on the 8th April, 1938.*

#### SUGGESTIONS FOR REDUCTION OF RATES ON THE GREAT INDIAN PENINSULA AND BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

It is regretted that it has not been found practicable to compile the information required by the Honourable Member, as no special record is maintained of the requests received for the quotation of reduced or special rates and a very large number of files would have to be examined involving more time and labour than are commensurate with the use to which the information could be put.

*Information promised in reply to part (b) of starred questions Nos. 1275 and 1276 asked by Qazi Muhammad Ahmad Kazmi on the 8th April, 1938.*

### CRIMINAL PROSECUTION IN CONNECTION WITH THE BAMRAULI RAILWAY COLLISION.

*Starred question No. 1275.*—One senior and two junior counsel were engaged at fees of Rs. 105, Rs. 64 and Rs. 50, respectively, per hearing. The approximate cost of the case is Rs. 4,700.

### THIRD AND INTERMEDIATE CLASS SEATS ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

*Starred question No. 1276.*—Government are informed that :

(a) No reduction in the length of the seats in intermediate class compartments has been effected. The centre bench has been removed and side seats have been widened. No inconvenience to passengers should be caused by this procedure as the available seats in intermediate class are adequate for the number of tickets sold per trip.

(b) This is being done as and when opportunity offers. Up to date an equal number of third and intermediate class carriages have had their seats widened.

(c) Government are informed that the seats in both third and intermediate class compartments run the full length of the coach. The question of lengthening them does not, therefore, arise.

*Information promised in reply to unstarred questions Nos. 150, 153, parts (a) and (b), 158 and 166 asked by Mr. Muhammad Azhar Ali on the 8th April, 1938.*

### COMMUNAL REPRESENTATION IN SERVICES ON STATE RAILWAYS.

*Unstarred question No. 150.*—(a) Government are informed that the action of the Divisional Superintendent, North Western Railway, Delhi, was in order as the case referred to in the letter quoted by the Honourable Member related to the promotion of a person in an inferior post to a subordinate post, in which case the orders regarding communal percentage would apply, *vide* paragraph 5 (b) of the Memorandum of Supplementary Instructions referred to in the reply to part (a) of his unstarred question No. 86 asked on the 18th March, 1938.

(b) and (c). In view of the reply to part (a) above, these do not arise.

### VAN PORTERS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

*Unstarred question No. 153.*—Government are informed as follows :

(a) The Hours of Employment Regulations do not apply to travelling van porters, but, as far as practicable, their hours of work are regulated within the limits laid down by these regulations.

(b) No mileage or overtime allowance is allowed to this class of staff, but when fixing their scales of pay the fact that their duties involved frequent travelling was taken into consideration.

### EXEMPTION OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY FROM THE OPERATION OF SECTION 62 OF THE INDIAN RAILWAYS ACT.

*Unstarred question No. 158.*—The Shahdara-Saharanpur Railway have been exempted from the orders issued regarding the provision of means of communication between passengers and railway servants on trains. Government do not propose to withdraw this exemption as :

- (i) the booked speed of the trains is low,
- (ii) the distance between stations is short,
- (iii) practically all trains stop at every station,
- (iv) the heavy expenditure that would be involved in the provision of means of communication is not justified under existing conditions.

### CONDUCTOR GUARDS ON STATE RAILWAYS.

*Unstarred question No. 166.*—Government are informed as follows :

(a) Of the remaining two conductor guards on the East Indian Railway one was withdrawn in April, 1937, and the other retired in April, 1938.

(b) and (c). Conductor guards are not now employed on the State-managed Railways, except on the North Western Railway where there are 11, of whom five are Europeans, three Anglo-Indians, two Parsis and one Hindu. Their employment is considered desirable by the administration.

*Information promised in reply to unstarred question No. 168 asked by Mr. Satya Narayan Sinha on the 8th April, 1938.*

### SENIORITY IN A GRADE OR CLASS OF NON-GAZETTED STAFF ON STATE RAILWAYS.

Government are informed as follows :

On the Eastern Bengal and East Indian Railways temporary or probationary service of non-gazetted staff in a grade or class does not ordinarily count towards seniority. Exceptions are, however, sometimes made on the merits of a case.

On the Great Indian Peninsula Railway probationary service of non-gazetted staff in a grade or class counts in calculating continuous service towards seniority in that grade. Temporary service is only counted for seniority when the service is rendered in a permanent post continuously, followed by confirmation in that post.

The practice on the North Western Railway is that seniority in a grade or class is reckoned from the date an employee is confirmed in that grade or class, and confirmation is considered on the expiry of period of one year's probation subject to report on working being satisfactory and is made from the date the employee was placed on probation. If, however, the report on working is not satisfactory and the period of probation is extended, then confirmation is made from the date from which the period of extension of probation commenced subject to report on working being satisfactory.

Continuous officiating or temporary service counts towards the probationary period of one year, but confirmation is only made from the date of occurrence of a permanent vacancy.

*Information promised in the reply to starred question No. 1295 asked by Mr. Muhammad Azhar Ali on the 11th April, 1938.*

### SALARY AND TRAVELLING ALLOWANCE OF THE SUPERINTENDENT OF EDUCATION FROM DELHI, AJMER-MERWARA AND CENTRAL INDIA.

The Superintendent of Education, Delhi, Ajmer-Merwara and Central India, drew Rs. 14,400 as pay and Rs. 2,229-1-0 as travelling allowance during 1937-38. The expenditure was borne by the three Administrations concerned in the proportion of 3 : 2 : 1, respectively.

*Information promised in the reply to unstarred question No. 178, asked by Maulvi Abdur Rasheed Chaudhury on the 11th April, 1938.*

**TEACHERS GETTING ALLOWANCES FOR EVENING CLASSES IN THE GOVERNMENT COMMERCIAL INSTITUTE, DELHI.**

(a) Yes.

(b) The evening classes are merely preparatory classes and no diploma examination is held for students attending them. Students usually leave as soon as they feel that they have acquired sufficient knowledge of their subjects. Information as to the number of students enrolled and the amount paid in allowances to teachers in 1935-36, 1936-37 and 1937-38 is given below :

Year.	Number of students admitted.	Amount paid in allowances to teachers.
1935-36 (for 6 months from October, 1935)	39	Rs. 775
1936-37 .. .. .	87	1,550
1937-38 .. .. .	97	1,550

*Information promised in the reply to unstarred questions Nos. 179 to 182 asked by Khan Bahadur Nawab Saddique Ali Khan on the 11th April, 1938.*

**ABSENCE OF MUSLIMS IN THE TEACHING AND MENIAL STAFF OF THE GOVERNMENT COMMERCIAL INSTITUTE, DELHI.**

*Unstarred question No. 179.*—(a) Yes.

(b) Muslim interests have not suffered in the Commercial Institute.

**CERTAIN PARTICULARS REGARDING STUDENTS IN THE GOVERNMENT COMMERCIAL INSTITUTE, DELHI.**

*Unstarred question No. 180.*—The information is given below :—

Year.	No. of students admitted.			No. of withdrawals before completing the course.			Free concessions.			Cost per capita..
	H.	M.	Others.	H.	M.	Others.	H.	M.	Others.	
										Rs.
1932-33 ..	36	4	1	13	3	..	3	1	..	102
1933-34 ..	35	4	2	16	3	1	6	2	..	97
1934-35 ..	42	4	..	19	1	..	5	2	..	94
1935-36 ..	42	4	1	11	3	..	7	1	..	91
1936-37 ..	39	7	1	12	6	..	6	2	..	88

**RECRUITMENT OF MUSLIMS ON THE STAFF OF THE GOVERNMENT COMMERCIAL INSTITUTE, DELHI.**

*Unstarred question No. 181.*—No. The present staff hold permanent appointments. Communal proportions can be maintained only in a department as a whole.

**PURCHASE OF STATIONERY USED IN THE GOVERNMENT COMMERCIAL INSTITUTE,  
DELHI.**

*Unstarred question No. 132.*—The stationery used in the office of the Institute is supplied by the Government Stationery Department. The typewriting stationery used by students is purchased locally out of the typewriting stationery fee collected from students.

*Information promised in reply to part (a) (i) of starred question No. 1336 asked by Bhai Parma Nand on the 12th April, 1938.*

**SCALES OF PAY AND GRADES OF CLERKS OF THE ROYAL INDIAN ARMY SERVICE  
CORPS.**

Two clerks reached the maximum and two approximated to it.

*Information promised in reply to part (a) of unstarred question No. 188 asked by Mr. K. S. Gupta on 12th April, 1938.*

**SALARIES OF THE NON-GAZETTED STAFF OF THE INCOME-TAX DEPARTMENT  
IN THE MADRAS PRESIDENCY.**

(a) The rates of pay of the non-gazetted staff in the Income-tax Department, Madras, are based on those of similar establishments under the Provincial Government. Subject to certain slight modifications made for reasons of the nature of the work and organisation, the same is true of those establishments of the Customs Department (e.g., clerical) for which corresponding establishments can be found in the Departments of the Provincial Government. I understand that when the scales of pay for the Posts and Telegraphs Department were framed due account was taken of the scales of pay for similar staff in the various departments of the Central Government as well as in the Provincial Government.

The extent of the differences between the rates of pay in the departments mentioned has been over-stated in the question and is not sufficient to merit the use of the expression "discrimination".

**MOTIONS FOR ADJOURNMENT.**

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received a number of notices of motions for adjournment of the business of the House. The first one is in the name of Sardar Mangal Singh. He wants to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the refusal of the Government of India to change the exchange ratio of the rupee from 1s. 6d. to 1s. 4d. as stated in their recent communiqué.

**Sardar Mangal Singh** (East Punjab : Sikh) : I am not moving it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Thirumala Rao has got a motion in connection with the appointment of Mr. Sargent.

**Mr. M. Thirumala Rao** ((East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I am not moving it.

**APPOINTMENT OF A NON-INDIAN AS SUPERINTENDENT OF INSURANCE.**

**Mr. President** (The Honourable Sir Abdur Rahim) : The next one is in the name of Mr. Avinashilingam Chettiar who wants to move that the House may be adjourned to discuss a definite matter of urgent public importance, namely, the appointment of a non-Indian by the Government of India for the post of the Superintendent of Insurance.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : I want to move it.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : I object to the motion. I am aware that on previous occasions motions have been discussed with regard to the appointment of individual officers, the recent cases being those of Dr. Gregory and Mr. Chambers. On that occasion you were pleased to point out as follows. This relates to the second of those motions, namely, the appointment of Dr. Gregory as Economic Adviser :

“ I must make the position of the Chair quite clear with respect to this motion and yesterday's motion. It has been laid down more than once that in the case of any appointment, even an important appointment, that cannot be made the subject-matter of a motion for adjournment unless there is some important principle involved and neither in regard to this motion nor yesterday's motion should my ruling be construed to the contrary.”

Now, the question is whether there is an important question of principle involved with regard to this particular motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : That, no doubt, is my view. Will Mr. Chettiar explain what is the question of principle involved ?

**Mr. T. S. Avinashilingam Chettiar** : The principle is that Government have appointed a non-Indian when suitable Indians are available. May I also point out that when the Bill was discussed, there was a sort of undertaking given by the Government which I will quote in the evening. It was agreed that when Indians are available, they will be preferred.

**Mr. President** (The Honourable Sir Abdur Rahim) : There was an undertaking given ?

**Mr. T. S. Avinashilingam Chettiar** : I will show that in the evening.

**The Honourable Sir Muhammad Zafrullah Khan** : Mr. Chettiar has submitted that the question of principle involved is that a non-Indian has been appointed when suitable Indians were available.

**Mr. President** (The Honourable Sir Abdur Rahim) : He says that an undertaking was given.

**The Honourable Sir Muhammad Zafrullah Khan** : I am not aware of it. I was not here.

**Mr. T. S. Avinashilingam Chettiar** : A definite statement was undoubtedly made by the member in charge of the Insurance Bill that if Indians are available, they will be appointed.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have no particular recollection of that. I know the matter was discussed.

**The Honourable Sir Muhammad Zafrullah Khan** : Let us see what the position actually was. With regard to this appointment, the statutory obligation laid upon Government is that the person appointed should be a qualified actuary. Mr. Satyamurti, when speaking on the third reading, specifically stated, and I entirely agree with him, “ that the success or otherwise of this Bill depends to a very large extent on the personality of the first Superintendent of Insurance, and I hope that in making this appointment no racial or communal considerations will be brought into effect ”.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Hear, hear ! You have brought racial considerations into this subject !

**The Honourable Sir Muhammad Zafrullah Khan** : That was the obligation laid upon the Government, coupled with Mr. Satyamurti's anxiety to secure the best man available irrespective of the question of race. Let us come to the question of the field of choice.

**Mr. T. S. Avinashilingam Chettiar** : That is going into the merits.

**The Honourable Sir Muhammad Zafrullah Khan** : This subject has been raised and I am going to show that the statement made in regard to it is not correct.

\* **Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : That may be a good answer in defence.....

**Mr. President** (The Honourable Sir Abdur Rahim) : I have yet to see whether there is a *prima facie* case or not. If there is a *prima facie* case, that will have a bearing on the admissibility of the motion.

**The Honourable Sir Muhammad Zafrullah Khan** : The point of my submission is that the adjournment motion is out of order unless there is a question of principle involved. The question of principle involved is stated to be that there were Indians available out of whom a choice could be made. I have contested that and, therefore, I have to answer the point whether there were Indians available. At the time when the appointment had to be made there were altogether—as I think was even stated in the debates—six Indians available who were qualified in that manner. Four out of the six obtained their certificate of fellowship in 1937. That is to say, they had not even a year's standing as fellows of the Institute of Actuaries in London or Scotland. Out of the men one had passed out two years previously and his age was thirty-two. There was only one person available who could be considered and who was considered and he was occupying a position and drawing a salary from which it could easily be seen that he would not have accepted this appointment. Apart from that question, even if it was possible that he may have accepted this appointment, there was practically no field for choice and I submit it cannot be said that there were plenty of Indians available out of whom a choice could be made. If the principle is to be accepted that no non-Indian is to be appointed so long as there is a single Indian available irrespective of what his qualifications or position may be, then I would submit that the Assembly is taking into their own hands a matter which is the concern of the Government.

**Mr. Bhulabhai J. Desai** : The point of principle is quite clear from the very statement of the Honourable Member. The point of principle is in the last words mentioned, *viz.*, so long as one Indian is available and there is only one appointment, so long as one Indian is available, we say he ought to be preferred : and that is the point of principle on which we want to insist. Of course, it is entirely a matter for the House to decide whether it is a correct principle or not, but it is admitted that at least one Indian was available.

**Mr. President** (The Honourable Sir Abdur Rahim) : Apart from any other question, what was the exact undertaking given ?

**Mr. S. Satyamurti** : I have not got the reference, Sir, but I want to submit now that when the actual definition in the Bill as to the qualifications of the actuary was being considered by this House, the Honourable Sir Nripendra Sircar, who was in charge of the Bill, told the House that if the amendment of Mr. Aikman were passed, all Indians would be ruled out, and, on that basis, we amended the Bill in order to make it possible for Indians also to be considered for the appointment.

**Mr. President** (The Honourable Sir Abdur Rahim) : I should like to know the exact words of the undertaking given.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, it has been mentioned that the Government gave an undertaking that the Superintendent of Insurance will be an Indian. I followed the debate very carefully, and I do not find it mentioned anywhere in the debates on the floor of the House that an Indian would be appointed at this post. There may have been a private understanding between the Leader of the House and the Leader of the Opposition, but we do not know anything about it. The second point is that the original Bill provided that the Superintendent should not necessarily be an actuary, and in that case there would have been a wider choice, but it was pressed from the Congress Party that he should be an actuary. This limited the scope of enquiry and we found that only one man was available. Therefore, I think there is no principle involved here.

**The Honourable Sir Muhammad Zafrullah Khan** : So far as I recollect, there was no undertaking whatever.

**Mr. S. Satyamurti** : Sir, we are entitled to the vote of the House on the point as to whether, if one Indian was available, he ought not to have been appointed. It had been pressed from various sections of the House that for all appointments we should appoint qualified Indians, wherever possible. That is the principle observed all over the world, and in this country also we are trying to assert the principle that even if one qualified Indian is available he should be appointed.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is the Honourable the Leader of the House in a position to say that that particular gentleman was approached at all ?

**The Honourable Sir Muhammad Zafrullah Khan** : He was considered, but he was drawing such emoluments that it could not reasonably be expected that he would accept this post.

**Mr. S. Satyamurti** : The point is whether an Indian was available. It was perfectly open to the Government to offer him a higher salary. The future of the Insurance Act depends upon the sincere sympathy of an Indian administering the Act, and not a foreigner. We seek to censure the Government on two grounds,—first, for not accepting the principle mentioned and, secondly, for not keeping the undertaking given. But, assuming that the undertaking was not given, I still submit that we are entitled to censure the Government for not carrying out the principle we laid down.

**Mr. President** (The Honourable Sir Abdur Rahim) : Was any attempt made that the principle should be inserted in the Act itself ?



**Mr. S. Satyamurti :** It was not possible to insert in the Act such a provision. It would have been *ultra vires*. This is the only way in which this House can impress upon the Government the need for not importing racial considerations. Our submission is that this man is a European, and we say that an Indian ought to be appointed.

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : Apart from the fact whether a specific undertaking was given or not, there is a general principle involved—a principle for which this part of the House has stood all these years, whether that principle is acceded to by the other part of the House, that is, by the Government, or not is immaterial,—and it is this that whenever qualified Indians are available Government ought to make the choice out of such qualified Indians and not make any preference for any foreigner. Whether the Government agrees to that principle or not is a different thing. If they do not agree, we have a right to censure them and to vindicate that principle. I submit that the motion cannot be ruled out on the ground that no principle is involved here, as the Government are trying to make out the case that no Indian is available. That is a matter for the House to decide when the question will be discussed on the merits. The case now before the House is that a principle is involved, *viz.*, that the claims of Indians have not been duly considered by the Government in making this appointment.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, there is no quarrel at the moment between the different sides of the House with regard to the merits of this appointment generally. The question that you have to consider at the moment is whether such a matter can form the subject-matter of an adjournment motion. There has been plenty of time after the appointment was announced.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Does the Honourable Member suggest that we should move a Resolution that he should dismiss this particular gentleman ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question is this, whether the exception that you were pleased to indicate in your ruling on the previous occasion when an adjournment motion was moved has been made out by the Honourable Member moving this motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : His case is that even if one qualified Indian was available, he ought to have been appointed. The question of principle that is said to be involved is that, if there was any Indian available, he should have been appointed rather than importing a non-Indian from outside. Admittedly, the field of choice was very limited. As the Leader of the House has said, there was one qualified Indian actuary available whose case was considered, but the Government preferred to appoint the present gentleman who is a non-Indian. I have only to see whether there is a *prima facie* case. Apparently, there was a qualified Indian available, and it is pressed by the Opposition that whenever there are qualified Indians available for any such appointment, an Indian ought to be appointed rather than a non-Indian. It is for the House to decide and not for me whether this is the proper principle which should be adopted in making such appointments. I have only to see whether there is a *prima facie* case on the point of order that has been raised, and as I think a *prima facie* case has been made out, I rule that the motion is in order.

[Mr. President.]

As objection has been taken, will those Honourable Members who are in support of the motion rise in their places ?

(Many Honourable Members rose.)

As not less than 25 Members are in favour of the leave being granted, leave is granted and the motion will be taken up at 4 o'clock or earlier if the business of the House is finished before 4 o'clock. I take it the Government have no objection to that.

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Secretary of the Assembly :** Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the last Session, have been assented to by His Excellency the Governor General under the provision of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935 :

- (1) The Repealing Act, 1938,
- (2) The Indian Companies (Amendment) Act, 1938,
- (3) The Dangerous Drugs (Amendment) Act, 1938,
- (4) The Insurance Act, 1938,
- (5) The Manoeuvres, Field Firing and Artillery Practice Act, 1938,
- (6) The Destructive Insects and Pests (Amendment) Act, 1938,
- (7) The Child Marriage Restraint (Amendment) Act, 1938,
- (8) The Indian Tea Control Act, 1938,
- (9) The Workmen's Compensation (Amendment) Act, 1938,
- (10) The Cutchi Memons Act, 1938,
- (11) The Hindu Women's Rights to Property (Amendment) Act, 1938,
- (12) The Durgah Khawaja Saheb (Amendment) Act, 1938,
- (13) The Sind Salt Law Amendment Act, 1938,
- (14) The Sugar Industry Protection (Temporary Extension) Act, 1938,
- (15) The Indian Coffee Cess (Amendment) Act, 1938,
- (16) The Indian Tariff (Amendment) Act, 1938,
- (17) The Trade Disputes (Amendment) Act, 1938,
- (18) The Delhi Joint Water Board (Amendment) Act, 1938, and
- (19) The Child Marriage Restraint (Second Amendment) Act, 1938.

#### STATEMENTS LAID ON THE TABLE.

##### NET EARNINGS OF CERTAIN NEWLY CONSTRUCTED RAILWAY LINES.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : Sir, I lay on the table a statement, giving the information at present available as to the net earnings of certain newly constructed railway lines, during the financial year 1936-37, and a comparison of the return given by these earnings on the capital outlay with the return anticipated in the original estimates.

*Statement showing net earnings during the financial year 1936-37 of new lines opened after 1st October 1927, throughout for traffic for a full year.*

Serial No.	Name of Project.	Working Railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1936-37.	Percentage return of income (column 6) on capital outlay.		Estimated percentage return of income on capital outlay after some years opening as estimated originally.
							1935-36.	1936-37.	
							7	8	9
						Rs.	Rs.	Rs.	Rs.
1	Chittagong-Nazirhat	..	3'-3-3/8"	22.97	17-3-30	41,018	*1.09	1.82	8.50
2	Chittagong-Dohazari	..	3'-3-3/8"	25.05	10-6-31	-61,877	-1.91	-1.18	8.50
3	Feni-Belonia	..	3'-3-3/8"	16.88	1-12-29	-29,008	*-2.30	-2.03	5.80
4	Furkating-Badulpura-Jorhat	..	3'-3-3/8"	42.28	1-8-28	79,334	*3.00	2.31	7.00
5	Karimganj-Longai Valley	..	3'-3-3/8"	39.45	1-1-29	-47,522	-2.61	-1.36	5.50
6	Netrokona-Mohanganj	..	3'-3-3/8"	17.55	1-4-29	2,736	*-0.84	0.13	9.60
7	Shaitaganj-Habiganj-Balla	..	3'-3-3/8"	25.29	1-12-29	33,613	*-1.35	1.55	6.47
8	Senchoa-Maira bari	..	3'-3-3/8"	30.25	20-4-30	2,24,020	*-1.48	(m) 9.96	13.00
9	Sibsagar Road-Khowang	..	3'-3-3/8"	38.79	10-11-27	42,456	*1.40	1.22	7.60
10	Mashrak Thawe Extension	..	3'-3-3/8"	39.32	12-1-31	75,856	(a) 2.91	(2) 3.13	6.00
11	Raipur-Parvatipuram	..	5'-6"	240.00	31-3-32	35,24,971	*8.53	7.16	5.40

Serial No.	Name of Project.	Working Railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1936-37.	Percentage return of income (column 6) on capital outlay.		Estimated percentage return of income on capital outlay after some years opening as estimated originally.
							1935-36.	1936-37.	
	1	2	3	4	5	6	7	8	9
						Rs.	Rs.	Rs.	Rs.
12	Boriavi-Vadnal .. ..	B. B. and C. I.	5'-6"	3.71	18-4-29	-6,504	-2.65	-2.89	5.00
13	Jambusar-Kavi .. ..	B. B. and C. I.	2'-6"	17.87	1-8-29	30,853	2.44	3.87	8.00
14	Sanni-Dahej .. ..	B. B. and C. I.	2'-6"	24.72	1-3-30	-7,183	-1.56	-0.71	8.90
15	Vasad-Kathana .. ..	B. B. and C. I.	5'-6"	26.61	1-9-30	2,36,193	7.55	10.9	8.00
16	Abdulpur-Navabganj .. ..	E. B.	5'-6"	57.15	10-2-30	2,16,000	1.85	2.39	6.20
17	Barupur-Lakhmikanapur ..	E. B.	3'-6"	23.26	15-12-28	1,19,000	2.55	2.84	7.00
18	Dinajpur-Ruha .. ..	E. B.	3'-3-3/8"	47.80	8-5-28	4,57,000	9.16	13.42	6.50
19	Kalukhali-Bhateapara ..	E. B.	5'-6"	53.49	1-3-32	1,11,000	9.88	1.88	5.00
20	Purnea-Murliganj .. ..	E. B.	3'-3-3/8"	51.98	1-10-29	3,79,000	9.62	11.72	6.50
21	Tangla Rangapara .. ..	E. B.	3'-3-3/8"	52.50	6-2-33	2,98,000	(m) 5.92	(m) 5.68	(b) 0.68
22	Calcutta Chord Railway ..	E. I.	5'-6"	8.50	1-2-32	6,20,719	*-0.44	1.35	†
23	Chandpur-Bijnor-Muazzampur-Narain ..	E. I.	5'-6"	37.00	5-1-30	2,90,714	*9.59	(m) 8.60	6.10

		E. I.	5'-6"	115-00	31-1-29	8,741	•0-72	(m) 0-02	(c) 6-88
24	Daltonganj-Barkana Section of Central India Coalfields Railway (I).	..	5'-6"	115-00	31-1-29	8,741	•0-72	(m) 0-02	(c) 6-88
25	Anuppur-Chirmiri Branch of Central India Coalfields Railway (I).	B. N.	5'-6"	53-84	23-1-31	11,78,154	*5-32	(m) 6-47	
26	Lucknow-Sultanpur-Zafarabad	E. I.	5'-6"	136-00	25-5-32	3,77,651	*2-72	(m) 2-90	5-80
27	Unao-Madhoganj	E. I.	5'-6"	48-00	21-12-30	95,062	*4-75	(m) 2-17	6-30
28	Agra-Bah	G. I. P.	5'-6"	43-00	10-4-29	-52,103	-1-55	-1-68	6-30
29	Darwaha-P.	G. I. P.	2'-6"	42-65	23-11-31	17,498	-0-55	0-51	6-81
30	Jhudo-Pithoro	Jodhpur	3'-3-3/8"	64-11	1-6-35	67,227	..	2-91	6-12
31	Cocanada-Kotipalle	M. and S. M.	5'-6"	27-38	1-11-29	-23,013	‡1-58	‡0-54	6-00
32	Guntur-Machherla	M. and S. M.	3'-3-3/8"	79-83	15-1-30	2,50,359	‡3-45	‡5-48	5-25
33	Gudivada-Bhimavaram	M. and S. M.	3'-3-3/8"	40-60	17-9-28	4,52,954	‡5-84	‡11-12	6-61
34	Nidadavolu-Narasapur	M. and S. M.	5'-6"	47-16	3-2-29	3,16,757	‡4-73	‡4-62	
35	Kanivihalli-Samchalli Extension.	M. and S. M.	3'-3-3/8"	11-74	15-3-28	1,46,558	‡74-74	‡52-05	§
36	Amritsar-Narwal	N. W.	5'-6"	39-11	6-5-29	2,47,590	(m) 12-18	3-62	5-50
37	Batala-Qadian (I)	N. W.	5'-6"	12-04	30-12-28	63,842	5-40	(m) 6-87	(c) 5-7
38	Chak Jhumra Kushab	N. W.	5'-6"	70-47	12-3-32	2,43,900	(m) 16-84	1-43	6-00
39	Jassar Shakargarh Chak Amru	N. W.	5'-6"	25-97	21-12-27	1,34,449	7-58	8-18	6-00
40	Lyallpur-Jaranwala	N. W.	5'-6"	20-75	3-12-27	-29,462	(m) -0-18	-1-85	5-48
41	Rohtak-Gohana-Panipat	N. W.	5'-6"	44-01	15-5-28	48,985	(m) 0-63	1-92	6-33
42	Shahdara Narowal	N. W.	5'-6"	48-33	21-12-26	1,74,990	4-80	5-93	4-84 (n)
43	Sind Left Bank Feeder Railways	N. W.	5'-6"	164-49	10-12-31	8,80,521	(q) 7-51	(m) 9-71	(e) (f)

Serial No.	Name of Project.	Working Railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1936-37.	Percentage return of income (column 6) on capital outlay.		Estimated percentage return of income on capital outlay some years after opening as estimated originally.
							1935-36.	1936-37.	
							Ra.	Ra.	Ra.
44	Kangra Valley ..	N. W.	2'-6"	102.99	1-4-29	-2,89,246	—(f) 0.68	(f) 0.92	5.50
45	Cuddalore-Vriddhachalam ..	S. I.	3'-3-3/8"	35.59	21-6-28	-20,713	—*(a) 0.27	(a) 0.78	(g)
46	Dindugal Pallachi ..	S. I.	3'-3-3/8"	75.10	19-11-28	1,41,034	*(a) 0.81	(a) 1.73	9.44
47	Madura Bodinayakkanur ..	S. I.	3'-3-3/8"	55.94	20-11-28	-54,013	(a) 0.83	(a) 1.00 (m)	(m) 8.73
48	Pollachi Palghat ..	S. I.	3'-3-3/8"	33.45	1-4-32	11,379	*(a) 0.18	(a) 0.21	5.20
49	Salem Mettur Dam ..	S. I.	5'-6"	23.20	15-4-29	-5,767	*(a) 2.01	(a) 0.45 (m)	4.75(l)
50	Salem Attur Vriddhachalam ..	S. I.	3'-3-3/8"	82.53	17-8-31	21,741	*(a) 0.11	(a) 0.26	5.80—
51	Shoranur Nilambur ..	S. I.	5'-6"	41.35	26-10-27	-60,488	(a) 0.72 (k)	(a) 0.75 (k)(m)	4.00(k)
52	Villupuram Trichinopoly ..	S. I.	3'-3-3/8"	109.00	1-2-29	2,06,687	*(a) 1.12	(a) 1.02	6.50
53	Trichinopoly Mannadura Chord	S. I.	3'-3-3/8"	94.22	1-7-30	35,922	*(a) 0.56	(a) 0.32	5.37
54	Agastampalli-Point Calimere ..	S. I.	3'-3-3/8"	5.50	20-1-36	-17,604	..	(a) 5.36 (m)	—10.5(r)

## REMARKS.

\* Revised figures.

† Justified on broad grounds of improving transportation facilities particularly quick despatch of coal traffic to the docks.

‡ Calculated on capital expenditure only excluding interest during construction.

§ This line was sanctioned for construction on the assurance that a minimum output of 35,000 tons of Manganese Ore annually by the Sandur Mining Company would be enough to guarantee the railway against loss.

|| Includes a guarantee of Rs. 3,37,534 payable by the Provincial Governments.

(a) Excludes net earnings of existing lines from new traffic interchanged with new railway but estimated return took into account such credit.

(b) Government of Assam have agreed to pay the actual loss incurred in working the railway for an indefinite period subject to a maximum of Rs. 1,75,000 each year provided that, if and when, the line yields a return of over 5 per cent. on its capital cost, the balance will be utilised in repaying sums that may have been paid under the guarantee.

(c) Represents estimated return on capital outlay for the entire project.

(-) The annual loss in working the Sind Left Bank Feeder Railways was estimated at Rs. 4.60 lakhs during the first five years after opening and Rs. 2.63 lakhs after the first five years of opening for traffic. To recoup the loss the Provincial Government will pay a fixed sum of Rs. 4 lakhs annually for each of the first five years and thereafter the actual loss in working subject to a maximum of Rs. 2 lakhs per annum.

(f) Includes a guarantee of Rs. 4,00,000 payable by the Punjab Government.

(g) The line was considered unremunerative but the District Board of South Arcot who were interested in it expressed their willingness to guarantee the Government of India against loss, if any, arising from the construction and working of the line.

(i) The estimated percentage return took into account a maximum payment of Rs. 41,000 to be made good by the Madras Government against loss.

(k) Includes a maximum guarantee of Rs. 1,39,000 from the Government of Madras.

(l) Only part of the whole project was actually built.

(m) Under further investigation.

(n) Loss to the extent of Rs. 20,000 guaranteed by local Government so as to obtain a return of 5.5 per cent. on capital outlay.

(o) Includes a guarantee of Rs. 4,00,000 payable by the Provincial Government.

(r) Government were committed to the construction of the line as part of the terms of transfer of the Tanjore District Board lines to the South Indian Railway. It was estimated that a loss of Rs. 37,500 would accrue to Government on an outlay of Rs. 3½ lakhs.

## STATEMENTS LAID ON THE TABLE.

### NOTIFICATION PROHIBITING THE EMIGRATION OF UNSKILLED LABOURERS FROM THE MADRAS PRESIDENCY TO MALAYA.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table a copy of the Notification issued by the Department of Education, Health and Lands, No. F. 44/38-L and O., dated the 8th June, 1938, prohibiting the emigration of unskilled labourers from the Madras Presidency to Malaya.

*Notification (Overseas), No. F. 44/38-L & O., by the Government of India, Department of Education, Health and Lands, dated Simla, the 8th June, 1938.*

Whereas it appears that the number of unskilled Indian labourers now in the Malay States is in excess of the present requirements of industry and continuance of emigration to those States is therefore undesirable, the Central Government, in exercise of the powers conferred by sub-section (1) of section 13 of the Indian Emigration Act, 1922 (VII of 1922), is pleased to prohibit, with effect from the 15th June, 1938, all persons from emigrating from the territories under the administration of the Provincial Government of Madras to the Straits Settlements, the Federated Malay States of Perak, Selangor, Negri-Sembilan and Pahang and to the Unfederated Malay States of Kedah, Perlis, Johore, Kelantan, Trengganu and Brunei for the purpose of unskilled work.

## THE MOTOR VEHICLES BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : Sir, I present the Report of the Select Committee on the Bill to consolidate and amend the law relating to motor vehicles.

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. C. M. G. Ogilvie** (Defence Secretary) : Sir, I move for leave to introduce a Bill to amend the criminal law.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend the criminal law.”

The motion was adopted.

**Mr. C. M. G. Ogilvie** : Sir, I introduce the Bill.

## THE INDIAN COTTON CESS (AMENDMENT) BILL.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill further to amend the Indian Cotton Cess Act, 1923.



**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Cotton Cess Act, 1923.”

The motion was adopted.

**Sir Girja Shankar Bajpai** : Sir, I introduce the Bill.

#### THE INDIAN EMIGRATION (AMENDMENT) BILL.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill further to amend the Indian Emigration Act, 1922.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Emigration Act, 1922.”

The motion was adopted.

**Sir Girja Shankar Bajpai** : Sir, I introduce the Bill.

#### THE INDIAN AIRCRAFT (AMENDMENT) BILL.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill further to amend the Indian Aircraft Act, 1934.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Aircraft Act, 1934.”

The motion was adopted.

**Sir Girja Shankar Bajpai** : Sir, I introduce the Bill.

#### THE INDIAN OATHS (AMENDMENT) BILL.

APPOINTMENT OF MR. N. A. FARUQUI TO THE SELECT COMMITTEE.

**The Honourable Mr. R. M. Maxwell** (Home Member) : Sir, I move :

“ That Mr. N. A. Faruqui be appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, in place of Mr. P. A. Menon, who has ceased to be a member of the Assembly.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That Mr. N. A. Faruqui be appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, in place of Mr. P. A. Menon, who has ceased to be a member of the Assembly.”

The motion was adopted.

## THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

**The Honourable Mr. R. M. Maxwell** (Home Member) : Sir, I move :

“ That the Bill to amend the law relating to the prevention of cruelty to animals be referred to a Select Committee consisting of Mr. N. A. Faruqui, Dr. R. D. Dalal, Mr. Govind V. Deshmukh, Mr. K. M. Jedhe, Shrimati K. Radha Bai, Subbarayan, Prof. N. G. Ranga, Mr. C. C. Miller, Babu Baijnath Bajoria, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Azhar Ali, Mr. Umar Aly Shah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, there is little, I think, I need say at this stage to commend this motion to the House. When the motion for circulation of this Bill was under discussion at the last Session, there was some feeling expressed in the House that the Bill, instead of circulation, ought to have been referred at once to a Select Committee, and it was then arranged, with the approval of the House, that the opinions should be called for by the 30th of June in order that a Select Committee might be appointed at the very commencement of this Session and that it might be possible for the Bill to pass through its final stages during the current Session. Those opinions have now been received and they are before Honourable Members of this House. I now take the earliest opportunity open to me to move for a Select Committee and I believe that this motion will commend itself to the House. As regards the criticism that was offered at the time of the last discussion that further circulation of the Bill was not necessary, in view of the opinions already ascertained, I think that the result of the circulation as given in the printed opinions will show that there was some merit in the procedure which was actually adopted. While these opinions reveal that there is a substantial majority of opinion throughout the country in favour of the principle of this Bill, at the same time, the circulation has elicited several constructive suggestions and has also directed attention to various points of which a more critical examination will possibly be necessary in the Select Committee. I think that the many thoughtful and interesting opinions received on this Bill will be of material advantage to the Select Committee when it gets down to its task and I hope that the Bill will emerge in a form in which it will satisfy not only the Members of this House but also those who have expressed an interest in this subject. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to amend the law relating to the prevention of cruelty to animals be referred to a Select Committee consisting of Mr. N. A. Faruqui, Dr. R. D. Dalal, Mr. Govind V. Deshmukh, Mr. K. M. Jedhe, Shrimati K. Radha Bai, Subbarayan, Prof. N. G. Ranga, Mr. C. C. Miller, Babu Baijnath Bajoria, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Azhar Ali, Mr. Umar Aly Shah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

### MOTION FOR ADJOURNMENT.

#### APPOINTMENT OF A NON-INDIAN AS SUPERINTENDENT OF INSURANCE.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I move that the House do now adjourn.

Before I go into the matter of this adjournment motion I must congratulate the Honourable the President on giving the ruling that he has given today, protector as he is of the rights of this House. Things would have become impossible if we were not allowed to raise our voice in protest even on occasions like this when Government go wrong. The matter of this adjournment motion may be viewed from two points of view ; one, whether there has been a promise that this Superintendent of Insurance will be an Indian when a suitable Indian candidate is available ; and, secondly, whether according to the Act that we have passed we have suitable Indians available today. I shall not go very much into the first because people who come after me may deal with it in greater detail. As to the second, I will read the wording of clause (15) of section 2 of the Act :

“ ‘ Superintendent of Insurance ’ means the officer who shall be a qualified Actuary appointed by the Central Government to perform the duties of the Superintendent of Insurance under this Act.”

And who is a qualified Actuary ? For this I must take the House back to the proceedings on the Insurance Bill, and read from page 1276 of Volume V of last year's proceedings in Simla. Replying to my Honourable friend, Mr. Sri Prakasa, the Honourable Sir Nripendra Sircar said :

“ I have got to save my young friend, Mr. Sri Prakasa, from himself. He says he finds no difference between his amendment and Mr. Aikman's amendment. I am willing to accept his, but I am not willing to accept Mr. Aikman's amendment. May I just point out to him what the difference is? Unfortunately, my friend is right in saying that English is not our language and one word makes all the difference. Mr. Aikman's amendment is ‘being a fully qualified actuary’. He explained it by saying that before you become a fully qualified actuary you must be an actuary for fifteen years. The result of that will be that all Indian actuaries are shut out. None of them will come in.”

The Honourable Sir Nripendra Sircar opposed Mr. Aikman's amendment. By that he meant to say that a ‘qualified actuary’ shall mean anybody who has become a Fellow of the Institute of Actuaries in London ; and, advisedly, he has refused to qualify it by saying ‘fully qualified’, that shall mean one with 15 years' experience. And no one in India has got that experience. And today what have the Government done ? They have appointed a certain gentleman. I must be grateful to my Honourable friend, Sir Muhammad Zafrullah Khan, for some information that he has given me about Mr. Thomas who has been appointed Superintendent of Insurance. He told me and he told the House this morning that one of the reasons why Mr. Thomas was appointed was that he has about 15 years' experience and that no Indian actuary has an equal amount of experience except one. May I remind him and the House that no experience for any number of years is required under the Act ? It is enough and it will suffice if he is a qualified actuary.

[Mr. T. S. Avinashilingam Chettiar.]

And now, Sir, I will refer you to another question. On page 2642 of the Simla proceedings last year, in answer to a question as to how many Indians have acquired qualifications as actuaries, the Honourable Sir Saiyid Sultan Ahmad replied as follows :

“Five Fellows of the Institute of Actuaries, London, one Fellow of the Faculty of Actuaries in Scotland, and fifteen Associates of the Institute of Actuaries, London.”

I take it that it is not intended under the Act that the Associates of the Institute of Actuaries are competent to hold this appointment. They are not competent to hold this appointment but the Fellows of the Institute of Actuaries in London are qualified to hold this appointment ; and the gentleman who has been.....

**Mr. N. M. Joshi** (Nominated Non-Official) : Why do you take it that the Associates are not qualified ?

**Mr. T. S. Avinashilingam Chettiar** : Because he must be an actuary.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : An Associate cannot perform all the statutory duties of an actuary because he is not really an actuary.

**Mr. T. S. Avinashilingam Chettiar** : The Honourable Sir Muhammad Zafrullah Khan told us this morning that in the matter of the appointment of Superintendent of Insurance they have considered and they could consider the claim of only one Indian because only he had the requisite experience. May I know what happened to the other four actuaries who admittedly exist in this country, according to the statement of the Honourable Sir Saiyid Sultan Ahmad ? I may be told, and, I daresay, I will be told that they do not have the requisite experience ; but, in this connection, I want to say one thing. I am told, and I hope I am correct, that in England people who become actuaries may be articled clerks under actuaries who may afterwards become qualified actuaries ; they may not have the highest academical qualifications. But in India the matter is different. People who appear in the examinations of these actuaries are men of the highest academic qualifications ; and to insist upon experience and so much experience is wrong in the case of these people. That being the case, and having regard to the text of the Act itself which merely refers to a “qualified actuary” and also having regard to the fact that Mr. Aikman’s amendment referring to a “fully qualified actuary” by which he meant an actuary with 15 years’ experience was rejected, it has been the intention of Government and this House that the words “qualified actuary” will only mean a Fellow of the Institute of Actuaries in London or Scotland. And that is what Mr. Thomas is ; and, according to the statement of the Honourable Sir Saiyid Sultan Ahmad, there are in India today five Fellows of the Institute of Actuaries in London. Having these five men who are qualified to act as Superintendent of Insurance, it does not lie in the mouth of Government to say that they considered the case of one only. I believe the other four should also have been considered and I believe there are men of experience even among the other four. My information as gathered

from the Honourable Member concerned is that only one was considered and the others were not considered at all ; and I do not see any reason why Government should fight shy of appointing those other persons who are qualified under the Act. So, Sir, I do think that in a matter like this it is wrong to say that they have no experience. We have seen in the last one year what the value of experience is. People in public life about whom it was said by the Government that they had no experience are now governing the provinces, and the world has testified and British politicians have testified that the rule of such politicians who have had no previous administrative experience has been eminently successful. I do not refer to any party—from the Punjab to Madras ; there have been ministers and prime ministers who have had no administrative experience before but who now hold office with dignity and efficiency which anyone can envy.

Having regard to all these things I do believe and feel that having appointed a non-Indian to this appointment when qualified Indians were available is something wrong ; and when we see what is going on in other departments, it becomes more amazing. For every department we seem to think that only a foreigner is properly qualified for the post. I say this thing should be stopped. Sir, I move that the House do now adjourn.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Motion moved :

“ That the House do now adjourn.”

**Mr. M. Thirumala Rao** (East Godavari and West Godavari *cum* Kisma : Non-Muhammadian Rural) : Sir, in rising to support the motion moved by my friend, Mr. Chettiar, I wish to draw the attention of Government that it has been their consistent policy to take advantage of every opportunity, that comes in their way to impart some foreigner or other into jobs that carry fat salaries. When the discussion was going on in the Council of State, last November, an amendment was definitely tabled, moved and discussed, but was lost because Government opposed it—that the clause demanding that a qualified actuary should be appointed for this post should be deleted. In the Act itself there is the definition of “ actuary ”—actuary means an actuary possessing such qualifications as ‘ may be prescribed ’. The Act does not leave the definition to the accepted sense of the word, as it is known to the actuaries or to the department of insurance. Government have taken the responsibility upon themselves, so that they have reserved a certain amount of margin and latitude in appointing their personnel, to choose such men whom they want to fix up with suitable qualifications. With regard to the definition of Superintendent of Insurance, it says : “ an officer who shall be a qualified actuary appointed by the Central Government to perform the duties of the Superintendent of Insurance under the Act ”. That means they have defined the word “ actuary ” and here they have incorporated the words “ qualified actuary ”. Therefore, in the discussion that raged on the amendment of Mr. Aikman when the European Group wanted so to manage that the Act makes it incumbent on the Government to bring in an European with 15 years’ experience, the Law Member, perhaps with an idea to leave certain

[Mr. M. Thirumala Rao.]

discretion to the Government of India, fought that amendment and introduced the words merely "qualified actuary". Again, under the Act, the word "actuary" itself is so defined that the Government should not find any difficulty in fixing up a suitable Indian in this place.

When there were adjournment motions last year when Prof. Gregory was imported and also Mr. Chambers, the opinion of this House was made quite clear to the Government that we are not going to tolerate any more importations from foreign countries. In spite of that expressed opinion and censure on the Government by this House, the Government goes on merrily importing one gentleman after another for one purpose or another. Recently we have seen that they have brought out a gentleman all the way from England to fill the place of the Educational Commissioner with the Government of India. When Provincial Autonomy is being worked out in the provinces under Indian Ministers, to seek to bring foreigners to control the educational policy of this country is quite unjustified and it is an open flouting of public opinion. With regard to insurance there are several young men qualified in India. This Act has been newly brought in ; it is very drastic and extensive. Insurance was governed by the Act of 1912 till this new Act came into force. Now we have incorporated many changes in this system and we have sought to control foreign companies that have been exploiting the field without any let or hindrance. Now, if you want to entrust the administration of this Act and the control of this business to a gentleman who has absolutely no connection with this country, whose sympathies are bound to be with his own country rather than with this country, and the interests of whose country at this moment are at logger heads with the interests of this country, we cannot sit with folded hands and say that the Government has done the right thing. Now you say you have brought in this gentleman on a contract for five years. After five years, after having gained the experience of working the new Act, after overcoming all the initial difficulties that have to be faced, this gentleman gets out of the country ; and if we say that an Indian should be appointed, you will come out with the argument that this gentleman has gained five years' experience after a hard struggle and that he has obtained full knowledge of how the Act should be worked and that he should, therefore, get an extension for five or ten more years. I am sure you will advance this argument. Why do you not train up young Indians about 34 or 35 years of age while the advice of an Indian actuary is being taken and followed by the Commerce Department ? As I have said the Act does not unnecessarily fetter the discretion of the Government of India. There is more than one man who is qualified for the post. This morning the Honourable the Commerce Member was pleased to say that there is only one gentleman who is qualified to fill the place in their view. Even taking for granted that that view is correct, have they asked this gentleman whether he will accept the post ? Perhaps they have been thinking of their own standard of fat salaries. Why do not they think of the Congress Governments ? The cabinet ministers there get only Rs. 500 : when this was pointed out, the previous Law Member said : " For the sake of publicity, for the sake of public service and for the love of seeing their own pictures every day in the newspapers the Congress Ministers are serving on Rs. 500 ".

Perhaps for this same vanity of serving his country a man may prefer to take a lesser salary for this post also. Have they tried to find out any person who has got a more public-spirited outlook than those who fill the Government Benches opposite and who may be available in this country for this post? And particularly when this thing has happened under the management of an Indian Member, while he is capable of leading this House, and of running a large department like the one of which he is in charge, why did he not feel that he should fight the battle for an Indian and Indianise the whole department under him, particularly when there are people in India, I mean qualified Indians, who are capable of filling this post with credit to themselves and advantage to the country?

Sir, I need not dwell on this aspect of the question at great length. Of course, the Government of India are accustomed to this sort of censure, and to go on unheeded, because they are the least responsive and antediluvian in spite of the march of events in the country. They know that the days of irresponsible power they have been enjoying are being numbered and they must make hay while the sun shines. I am reminded of a saying of Dr. Johnson that the brightest prospect for a Scotchman is the road to England, so also the brightest prospect for a Britisher has been the high seas that lead him to India to exploit as long as Indians were unable to resist their demands. Therefore, the only way for us is to make feeble attempts to censure the Government of India by means of adjournment motions. Sir, I support this motion.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, the object of this motion is to censure Government for their failure to select for appointment as the first Superintendent of Insurance an Indian. The gist of my reply was mentioned this morning, and I will try to explain the matter at slightly greater length now. The first question is what were the qualifications necessary for this appointment. The last speaker has attempted to import into the discussion some question of the definition of an actuary, a qualified actuary, and a fully qualified actuary. So far as the question of an actuary under the Act is concerned, he is right in stating that the Act does not fetter the Government; the definition of an actuary has still to be laid down, and that will be as may be prescribed by the rules. There was no difference of opinion between Honourable Members when this provision was under discussion as to what a 'qualified actuary' meant. That means qualified under the ordinary law. There is no difference between a qualified actuary and a fully qualified actuary.

When Mr. Aikman's amendment was sought to be moved, the Honourable the Law Member pointed out that it had been suggested to him by the European Group that a fully qualified actuary meant a qualified actuary of 15 years' standing. From that the point has been sought to be made that if you have available people who are qualified actuaries then the question of experience does not arise. I am afraid it does arise as was pointed out by Mr. Satyamurti. I read it out this morning. I said I agreed entirely with the sentiment that to a very large extent the success of this Act would depend upon the qualities possessed by the first Superintendent of Insurance. And you could not say that merely because a man possessed the minimum qualification prescribed by the Act, therefore, he would be a suitable choice for this

[Sir Muhammad Zafrullah Khan.]

post. I may cite a parallel example. I believe it is provided by the Government of India Act that a barrister of five years' standing is eligible to be appointed a High Court Judge, but I doubt whether on any occasion a person possessing only that minimum qualification has been so appointed. Though that is the minimum qualification prescribed, the appointment always goes to a person who also possesses the necessary experience. And the same was the case here, nay much more so was the case here, because it was a new appointment, a first appointment to administer an Act which, Honourable Members themselves have the best reason for knowing, contains very important, very drastic and very complicated provisions. Therefore, the question was what was the field of choice available to Government, and as I pointed out this morning, there are in India six qualified actuaries, or there were, at the time when this appointment had to be made as was mentioned by Sir Sultan Ahmad in his reply, five Fellows of the Actuaries' Institute of London, one Fellow of the Faculty of Actuaries of Scotland. But let us see how many of them were really eligible for this post, apart from satisfying the minimum qualification laid down by the Act. Now, as I said this morning, five of them had acquired their qualifications when this measure was under consideration or shortly before it was taken up in this House,—four in 1937 and one in 1934, and the ages of these, at the time when they secured this qualification, were 30, 31 and 32 years.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadian Rural) : What was your age when you were appointed an Executive Councillor ?

**The Honourable Sir Muhammad Zafrullah Khan** : I think the point is irrelevant, and in any case that is a question which ought to be addressed to those who were responsible for the appointment. But even then I have said the point is irrelevant,—I had 21 years' experience at the bar at the time of my appointment.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : What was the experience of these people ?

**The Honourable Sir Muhammad Zafrullah Khan** : Ordinary experience with Insurance Companies, and obviously at that age their experience could not be very wide.

Another question that arose in connection with its being a first appointment was that in framing rules and in setting the machinery of the Act in motion it would be an advantage if one could get somebody fully qualified and possessing the necessary experience who was not connected with any of the companies to whom the Act and the rules would become applicable. However, there were these five people. One Honourable Member stated that Government did not consider these five. It is not correct to say that. They considered all the six, and they found that of these, five had acquired the qualification just before the Act was passed and had not had the necessary experience. Supposing one or more of them had had a good deal of experience of these matters and had acquired the qualification only recently, then one could have looked at the matter in this way, 'he has now obtained the technical qualification and he previously possessed the necessary



experience', but these five gentlemen, had acquired the technical qualification very recently and had not the necessary experience. That left only the case of one gentleman.

**Mr. T. S. Avinashilingam Chettiar :** What about the man who had four years' experience ?

**The Honourable Sir Muhammad Zafrullah Khan :** Three years. Honourable Members may differ, but Government thought that that was not sufficient. With regard to the sixth gentleman who became a qualified actuary in 1926, he has a good deal of insurance experience and he also possesses the qualifications.....

- **Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau : Indian Commerce) : The greatest qualification being an Indian.

**The Honourable Sir Muhammad Zafrullah Khan :** I am always prepared to accept the point of view that in equal cases an Indian must get preference.

**Mr. Manu Subedar :** That is how we got you in your place here.

**The Honourable Sir Muhammad Zafrullah Khan :** The question was whether, for the kind of work that would have to be done in pursuance of this Act that was the best kind of officer to select and, secondly, whether he would be available. I think it would not be fair on my part in defending Government's action in this matter to discuss the qualifications of this gentleman on the floor of the House when he has not been appointed to the post. But I will say this that even assuming that he had the kind of experience necessary for this post, the post which he is at present occupying and the emoluments that he receives in respect of his services there are such that Government would have had to pay him an exceedingly high salary if they wanted to obtain his services.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : How do you know ?

**The Honourable Sir Muhammad Zafrullah Khan :** I can judge from the emoluments that he is receiving at present....

**Mr. S. Satyamurti :** But did you consult him ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Mr. S. Satyamurti :** Then, how did you know that he would not accept the job at a lower salary ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is the ordinary presumption that one makes in such a case. However, if the Honourable Member will permit me to continue,....

**Sardar Sant Singh** (West Punjab : Sikh) : May I rise to a point of order ? The conversation that is being carried on between those two Benches there is not audible to us here. We cannot hear what is being said there and we are not being fairly treated when they talk in that fashion.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Let the Honourable Member proceed uninterrupted.

**The Honourable Sir Muhammad Zafrullah Khan :** My information is that that particular gentleman is at present drawing from the company that he is serving Rs. 2,500 a month as salary, free of income-tax, *plus* an annual bonus and is permitted consulting practice. The salary of the officer appointed as Superintendent of Insurance is Rs. 2,000 a month with Rs. 100 per annum increment rising to Rs. 2,500, subject to income-tax, no bonus and no consulting practice.

**An Honourable Member :** What about overseas allowance ?

**Another Honourable Member :** When you accepted this appointment did not you do it at a sacrifice ? Did you not make more money before ?

**The Honourable Sir Muhammad Zafrullah Khan :** Is my appointment under discussion ?

**An Honourable Member :** The principle is under discussion.

**The Honourable Sir Muhammad Zafrullah Khan :** Shall we keep these other appointments outside the discussion ? With regard to his qualifications, he is a Fellow of the Institute of Actuaries of fifteen years' standing. When I mentioned that this morning, I did not mean that 15 years was an essential qualification. I am afraid there has been some misunderstanding on that point, but the actual fact is that he became a Fellow of the Institute of Actuaries in 1923 and, therefore, he is a Fellow of 15 years' standing as against the 12 years' standing of the Indian gentleman whom I have mentioned. And he has had a much longer experience than that, I believe, amounting to 23 years, with regard to insurance work. He was employed in the Actuaries Department in His Majesty's Government in London for 23 years, and, since 1929, has been engaged upon exactly the kind of work that he will have to do as Superintendent of Insurance here, that is to say, the administration of Assurance and Friendly Societies Acts and the question of new legislation. I am fully persuaded that with regard to the kind of work that he has to do, his qualifications, as compared with the qualifications of the only gentleman available here, are very much better qualifications and that, therefore, his appointment was not an act of racial discrimination against an Indian as was suggested this morning, I believe, by Mr. Satyamurti. No racial consideration was imported into the selection. Out of two men, the man better qualified for this particular kind of work was selected,—incidentally also a man who was available at a lower salary than the one who might have been available here would have been willing to accept.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Was not a German available ?

**The Honourable Sir Muhammad Zafrullah Khan :** Those are the merits of this particular appointment. I would beg the House to remember that when the field of choice is so limited as that, surely there must be left some discretion to Government, and some room for differences of opinion and judgment must be recognised. There was on the one side an obligation laid upon the Government to select the very best man for this purpose : there was, on the other side, this very limited choice open to them ; they tried to do the very best that they could in the circumstances, having regard to the very valuable interests that would be affected by the administration of this Act. Personally, I think if the Government had acted in any other manner they would

have failed in the discharge of the obligation that had been laid upon them by the Act. It must be remembered also that this appointment was obligatory under the Statute, and the Statute to a very large extent indicated what kind of individual should be selected to fill this appointment. I, therefore, hope, that the House will remember that this is not like one of the cases to which they have taken exception previously and that Government have really done nothing which should deserve any censure.

**Sardar Sant Singh :** In supporting the motion I just want to mention some of the view points of the Opposition which are, at any rate, materially different from the view points of those who are occupying the Government Benches today. I do not think that the argument that the appointment goes to the best man available can help the Honourable the Leader of the House if we carry the argument to its logical conclusion. May I ask him a simple question ? If the choice was of the best man available, why limit the choice to the Britishers alone ? Why not search for a more competent German, French, a Russian or an American with better qualifications ? I do not think the Government of India ever thought of giving such an appointment to Germans, Russians or people of other nationalities. They always limit their choice to Britishers alone. Therefore, the argument that the choice was to be made of the best man available cannot bear any serious examination. The question is this. Are we to be stamped with inferiority complex for all times to come ? During the last year or two this House has given its definite verdict against the importation of experts from the British Isles. This is not the first time, nor I am afraid it will be the last time, when this House will censure the Government for their extra-territorial outlook whenever they make any appointment of persons from England. Rightly the question has been put by those Members sitting on this side of the House, about the Honourable the Leader of the House himself and about other Indian Members, by asking what experience, administrative or otherwise, of the commerce or the railway department the Honourable Member had when he was appointed. None whatsoever. But the lack of special experience has not stood in the way of his success. He has filled that place eminently. He has been going about carrying on negotiations of a very delicate and technical type. Nobody has taken exception to his want of experience on that score. If this argument were to hold good, then no Indian would have been today in the Executive Council at all. This is an hackneyed argument which is always thrust upon us, that no Indian is available. If we are to train our Indians for various posts requiring expert knowledge we shall have to train a dozen, and even then they will have to wait dozens of years before they can be considered qualified for an appointment in India.

**The Honourable Sir Muhammad Zafrullah Khan :** May I point out that this appointment is only for five years and one of the duties of Mr. Thomas will be to train an Indian to take his place when he leaves ?

**Sardar Sant Singh :** The hackneyed argument has been advanced that this appointment is only for five years. May I ask him one more question. How many appointments have been made in various departments of the Government of India under the plea of bringing in men:

[Sardar Sant Singh.]

for five years only and how many of them are still in service after the lapse of 15 or 20 years ? What is this argument ? This argument means nothing. It only means the extension of the patronage to foreigners, however well qualified and eminent they may be, at the expense of Indian experts. That is what it comes to. Our point is that India shall be first, shall be second and shall be last in all these appointments. That is what we demand. That we have been demanding and we will continue to demand it till the Government becomes responsible to public opinion and appoints Indians as their experts and not outsiders. I had occasion to point this out in the Railway Standing Finance Committee when this new committee which has been recently announced was considered.

**Sir Abdul Halim Ghuznavi** (*Dacca cum Mymensingh : Muhammadan Rural*) : On a point of order, Sir. Can the Honourable Member refer to the proceedings of the Standing Finance Committee which are confidential ?

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : The proceedings of the Finance Committee are public.

**Mr. K. Santhanam** : It was Sir Halim Ghuznavi himself who gave a press interview regarding the proceedings of the Standing Finance Committee in this connection.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I feel that the Honourable Member has every right to refer to this.

**Sardar Sant Singh** : I submit that the same arguments are advanced in all cases wherever the appointment of an Indian is advocated on this side and opposed on the other side. We do concede that it is the business of the executive branch of the Government to make appointments but we certainly do not concede that they have the liberty in making the appointments outside India when such appointments can be made from India itself. When there are five or six Indians with the requisite qualifications, satisfying the terms of the Act, I fail to see why such appointments should go to an outsider. I shall ask another simple question. Can the Government Benches give me a single instance where a single foreigner has been employed by Great Britain under similar circumstances ? If Great Britain does not employ any outsider to teach them to become expert in various branches, where is the justification for appointing Britishers in this country ? I really cannot understand the fallacious argument used in justifying the appointment of non-Indians, where no justification is possible.

**Mr. Sri Prakasa** : Indians are appointed as lascars by England.

**Sardar Sant Singh** : My point is that whenever the Government decide to make an appointment their choice must be limited to India alone and only in cases where no Indian is available they should go to an outsider and, that too, for a very limited time, say two or three years, my grievance is the Government of India's outlook is different. The mentality is different.

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) :  
What about the Government which consists of foreigners ?

**Sardar Sant Singh** : That is our misfortune and that is responsible for all these questions. Our complaint is that the mentality with which such questions are approached by the Government of India is entirely different from the one with which Indians approach such questions. It is not a question of the merits or demerits of the candidate appointed. I do not say that the gentleman who has been appointed is not qualified or is not competent. I do not attack on that score. I attack the mentality behind this, the background which goes to make such appointments. I, therefore, want to censure the mentality of the Government and I, therefore, support this motion.

**Mr. N. M. Joshi** : I heard very carefully the speech of the Honourable Member for Commerce. I thought he would tell us that the Government of India had made an offer to the only Indian who was qualified. I was sorry to note that he did not tell us that fact. He only told us that the only Indian who is available in the opinion of the Government was getting a larger salary than the Government of India was prepared to give for the post of Superintendent of Insurance. The Honourable Member or the Government of India depended on human nature. Is he right in allowing ordinary human nature to play its part in a matter of this kind ? Have we not heard or do we not know of many instances of Indians earning very large salaries accepting posts carrying smaller salaries ? Let me mention the case of Lord Sinha. When he accepted a post under the Government, he made a very large sacrifice. Why did he do it ? He did it in the interests of the country. He is not the only man who did it. Moreover, barristers are not the only people who accept lower salaries under the Government when their earnings are very much higher in their own profession. I know of many commercial men who have accepted jobs under the Government and made very large sacrifices. We Indians are bound to make sacrifices in order to hold important positions under the Government.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

We know that very recently a Britisher has accepted a post under the Government of India making sacrifices in his earnings. A gentleman serving in Great Britain in some county has become the Commissioner for Education in India and I have heard it stated that he has made a sacrifice in his salary. Why does he do it ? I am quite sure that he has done it out of a spirit of adventure. He was tired of serving in his own country and he wanted to see new lands. He came to India under the belief that the Indian job was more worth doing. It was an important job where he could make suggestions for educating Indians and where there is very great need for education. If a Britisher could make a sacrifice by accepting a job under the Government of India, why should we not expect Indians to accept jobs under the Government of India on a lower salary. Therefore, I feel that the Government of India have failed in their duty in not making an offer to the Indian who was available. The Honourable Member said 'You must make room for some difference of opinion'. I do not know whether the Honourable Member of the Government of India was actually afraid

[Mr. N. M. Joshi.]

that the gentleman in question would accept the appointment. I shall not attribute motives. But I also want the Honourable Member to remember this. When the Government of India tells us that they appointed a man with the best qualification and not on racial grounds, and when the Honourable Member asked me to believe that he is right in this case, I would like him to remember this. We do not judge the Government of India on this solitary case alone. We judge the Government of India by their past acts and past policy and what do we find there? We find that Europeans of much less qualifications have been appointed. Junior Europeans, boys whom we may call, have been appointed over the heads of experienced Indians! If that is our experience and continuous experience for several years, why should the Honourable Member ask us to believe in this particular case that the Government of India did justice as between one Indian who was available and the European who has been appointed. I feel, Sir, that the Government of India must make out a stronger case if they want to avoid this censure.

[At this stage, both Mr. Bhulabhai J. Desai and Sir Abdul Halim Ghuznavi rose in their seats, but the latter afterwards himself sat down.]

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, I am sorry, my friend, Sir Abdul Halim Ghuznavi, thinks he might follow better than lead,—and I wish he would remember that lesson when he votes on this motion. In supporting this motion the House should not only weigh what the Honourable the Leader of the House told them, but weigh them in the light of the issue which I hope even he will approve of ; the issue as I see it is not a question between one Englishman and one Indian as some of my friends presented it to be. I hope that when I approach my friends of the European Group they will have the decency to admit that there is such a thing as the employing of nationals in the services of their own country. Therefore, if they think that that is a sound and salutary principle for the purpose of spending their own money training their own men and manning their own services and making their own Government their own real Government, if they stand for that principle in their own country, I hope the idea that Britain has dominated this land would at least be given up by the Leader of the House. I will not use any *argumentum ad hominem* in my arguments ; I am averse to such arguments but it is perfectly true that they began in this country with a belief enforced upon us and almost accepted by some of us that any foreigner and particularly an Englishman was always better than a man with the similar qualifications in India. We are, fortunately, getting out of that unfortunate mentality ; and I am not of those who feel any need of any justification for presenting the claims of an Indian as some people appear to do in an apologetic way. The Government of India, represented at all events in part by Indians, might certainly consider, not in that detached, unemotional, cold way the Honourable the Leader of the House half-heartedly sought to support this appointment, but it is a matter which every Government, to the extent to which it is composed of nationals,

ought to look upon in a better light than it has hitherto been regarded. It is perfectly true that if you put down on paper certain qualifications, as my friend points out, you may hope to make out a case though in this particular case that is not true. My friend says that there were five Indians, and he gave the years of their qualifications as actuaries,—one thirty-four, one twenty-six, and the other twenty-seven and he proceeded to use an amusing argument....

**The Honourable Sir Muhammad Zafrullah Khan :** Not five but six.

**Mr. Bhulabhai J. Desai :** Anyway, I have not added, and there are no two appointments. I shall presently point out to the House the somewhat unjustifiable nature of an argument which says and employs the vicious assumption that there must be an unlimited choice : I do not know what that means. After all, there is one appointment and there is one man ; is not that quite enough choice, so that the talk of a limited field and limited experience is like talking to people who might be taken in by this type of formula ? They say, in this country, "Oh, we are Indianizing the services". It is a very sad thing to us to reflect that this is a kind of thing which is supposed to be a favour or an act of grace done to this country. I hope there is enough self-respect developed in this country and on this side of the House not to accept that kind of argument. Did they accept it in England when their English Acts were passed ? They said, "yes, we may be inexperienced but we will not go to Germany, we will not go to France and we will not go to America". The Englishman is proud enough not to do that. He says, "I will work my own insurance legislation, acquire experience, even make blunders, and in the end I shall find myself in the right place". And unless that sort of mind is induced or infused into the Government of India as it is composed today however short its present existence may be, we cannot just help pointing out to them that that kind of justification is no credit to themselves. In this particular instance it was pointed out when the Act was in the process of being discussed and we visualised this possibility of an excuse of finding a man with more experience elsewhere. It is not an issue between an Englishman and an Indian as I have already pointed out, but it is an issue for which every national ought to fight, *viz.*, that a national is entitled, in so far as preferences are concerned, to get them, not merely for the purpose of serving his country but even for the purpose of training him in order that his country may not be landed in difficulty. You will soon find that this abstract idea of getting an expert wherever you can will soon land you in a disaster. They always seem to imagine that all you have to do is to get out a specification on paper and then to expect others to submit helplessly and sheepishly. We visualized this possibility when this Bill was under consideration and the fact remains that Mr. Aikman of the European Group moved an amendment differing from the language of the amendment moved by Mr. Sri Prakasa, the language of the amendment of Mr. Aikman being "a fully qualified actuary" and the language of the amendment of Mr. Sri Prakasa being "a qualified actuary", and at one time, notwithstanding the accuracy of his understanding in English, Mr. Sri Prakasa almost fell into the trap that "fully qualified" was the same as "qualified" and was prepared to allow my friend, Mr. Aikman, to run away with it. Sir Nripendra Sircar had at least the

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decency to see, knowing the facts of Indian life at that time and the qualifications, that by that process by a statutory method the Indians were not ruled out, and he came, as he said, to the rescue of Mr. Sri Prakasa, but he really came to the rescue of the principle for which we stand, the principle of standing by one's nationals, and, therefore, he pointed out, that as Mr. Aikman put it, "a fully qualified actuary" means "with fifteen years' experience": wherever he got it from is not the point, but that is the reason why, according to him at all events, a qualification was put down—intended or unintended I do not know—but I have here a speech which clearly shows what Sir Nripendra Sircar had in mind. This is what he said at page 1276 :

"I am willing to accept his, but I am not willing to accept Mr. Aikman's amendment. May I just point out to him what the difference is? Unfortunately, my friend is right in saying that English is not our language and one word makes all the difference. Mr. Aikman's amendment is 'being a fully qualified actuary'. He explained it by saying that before you become a fully qualified actuary you must be an actuary for fifteen years. The result of that will be that all Indian actuaries are shut out."

If this does not tantamount to a promise on the part of the Government to appoint an Indian, I should like to know in what better language it could have been put. He was being led into a statute in which he would have found himself helpless. But he would not walk into the trap. He succeeded in getting out of it in the hope and the belief that as and when the time came, knowing that there are qualified actuaries but not "fully" qualified actuaries, he would be able to appoint one of them.

**The Honourable Sir Muhammad Zafrullah Khan :** A qualified actuary is a fully qualified actuary.

**Mr. Bhulabhai J. Desai :** I do not accept it even from the Leader of the House, who was not here at the time when the actual distinction between a fully qualified and qualified actuary was under discussion.

**The Honourable Sir Muhammad Zafrullah Khan :** It was then pointed out that that was not correct.

**Mr. Bhulabhai J. Desai :** It was pointed out quite clearly at that time that Mr. Aikman's amendment was negatived by the House and Mr. Sri Prakasa's amendment was carried by the House. But, at all events, the House is pledged to this, whatever may have been the motives of those who moved the other amendments, that it was the intention of the House, clearly expressed and supported by the then Leader of the House, that we must leave the door open, knowing that there were qualified actuaries in India, in order that one of them may be appointed. If this is the way in which every care was being taken during the course of legislation for inquiry being made on the eve of the appointment which must be made when the Bill becomes law, if this is the way in which promises are to be broken and the Government stand justified, I do not know how further irresponsibility can go. And what is more. My friend said: "I consider this inroad of European servants in a somewhat different manner which has never been perceived" except, I believe, by my Honourable friend Sir James Grigg looking after what happens to the ratio and the reserves of the Reserve Bank. Every rupee that we have got to pay out abroad or every tax that we pay



abroad is an economic burden which we must attempt as far as possible to resist. It is not this one thousand but the many thousands and thousands, which at the end of the year multiply themselves into crores, for which we have got to pay in sterling at the other end not only when they are here but even after they have retired. In the economic interests of the country, even if the salary was the same, I would prefer an Indian. Apart from the fact that I would prefer a nationalist—and any decent nationalist would prefer a nationalist—on economic grounds it is also justified on other grounds. Another point which my Honourable friend attempted to make was this : “ I did not ask him : I acted on human nature ”. The human nature, according to him, must be very low and poor indeed. Human nature also admits of that nobility of temperament which he himself possesses : serve the country even at a pecuniary loss. Therefore, let us not abuse freely and unnecessarily human nature when we want to evade the issue and when we want to evade the inquiry lest, if the man should agree, we may not be able to appoint the man whom we want to appoint. Where is human nature ? Sir Nripendra Sircar sits here on Rs. 6,000. Was that his income before he came here ? And Sir John Simon gets £5,000 a year. Was that his income before he got into the Treasury ? We have been suffering from this inferiority complex. I was asked by some of my friends before the Congress took office in a disgraceful way : “ They want to serve on Rs. 500 a month ; where is the rest to come from ? ” I knew the insinuation he was driving at. I told him : “ I hope you will grant us the same decency that at least some of you, if not all of you, possess in the service of your own motherland ”. Therefore, I have not the smallest doubt that the Government in this case deliberately evaded looking for an Indian lest they should have to appoint him and now they cannot be allowed to make an excuse of that very default and come here and say : “ There was a man but we thought, according to our reading of human nature, that he would not have accepted the appointment.” But whose human nature were you considering ? Was it the estimate of your own self or was it the estimate of him or was it the estimate of patriotic Indians ? If you had only accepted the estimate of genuine patriotic Indians, I am quite certain that there would have been no occasion for this motion. I, therefore, suggest that this question is not a question between an Indian and an Englishman. This motion asserts a principle, which every Englishman is proud to assert in his own land and I hope and trust that they will have the decency to support it as the nationals or, at all events, the wage-earners and capital-earners in this land. Therefore, I have not the smallest doubt that it is not a party issue but a national issue. There is not the slightest doubt that every multiplication of men from abroad is an economic burden which we must lighten from time to time, otherwise the result will continue to be what it is today. There is the difficulty of the balance of trade and there is the difficulty of the reserves. Let me tell you this that the reserves of the Reserve Bank are in danger of being absorbed if the present ratio continues any longer, and if the balance of trade is against India. Therefore, I appeal to this House that we should not make this issue of a smaller magnitude than it is. Let us not make it an issue of bitterness or hostility. The least that the Government of India could have done in this case was to have appointed an Indian and allowed him to acquire

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experience just as in other lands they make their own laws and they make and train their own talents. And the potentiality of an Indian talent has been more than amply proved notwithstanding the many doubting Thomases on the other side, and I have not the smallest doubt that the reassuring Thomas who has come is but of doubtful quality, at all events from the point of view of those who would rather have their own national. I, therefore, support the motion.

**Sir Abdul Halim Ghuznavi :** Mr. President, on behalf of the Muslim League Party I may at once say that we are at one with our friends of the Opposition for the principle that where a qualified Indian is available, it is the duty of the Government to appoint him and to give him preference over foreigners. For that principle, we are ready to fight side by side with our friends in season and out of season. That is the principle for which we also stand. The question today is whether the Government deliberately appointed a non-Indian when they knew that a qualified Indian was available. If it could be shown that they did act in this manner, then we, on this side, will at once join the Opposition and censure the Government. But if anyone is responsible for the appointment of a non-Indian, it is the Congress Party itself. My friend, Mr. Sri Prakasa, is responsible for this appointment.

Sir, in the original Bill that was presented to this House there was no such qualification that the Superintendent should be an actuary. The field of choice was left wide open and any competent Indian—of whom there were many—could have been appointed as the Superintendent. It was also suggested that in order to give training to Indians a subordinate actuary should be appointed as the subordinate of the Superintendent. That was refused by my friend, Mr. Sri Prakasa, in his amendment. He did not like the idea of two functionaries. He wanted only one whoever he might be. He never said that this one should be an Indian. He wanted a qualified man irrespective of caste, creed or colour, but he was not in favour of two appointments. Today if the Superintendent was not to be an actuary, two Indians might have been appointed. The actuary, after five years' training, would have become a qualified actuary and he would then have taken the place of the Superintendent. But that was prevented by the action of the Congress Opposition, because they would not have a Superintendent who was not also an actuary. All the fight now is whether he should be a subordinate actuary or a fully qualified actuary. Surely, a man who is to be the Superintendent of all the Insurance Companies in India should be a fully qualified actuary of experience. There cannot be any doubt about it. It is a known fact that there were only six actuaries available in this country. Of them, four passed from the Institute of Actuaries in 1937, one in 1933 and one in 1926. These are the six gentlemen with whom we are concerned. It is said that the Government should have offered the post to the one who was fully qualified and ascertained whether it was acceptable to him or not. The complaint is that the Government did not deliberately offer it to any of these six gentlemen, because they wanted to appoint a non-Indian. It is all very easy to give examples of what Sir Nripendra Sircar sacri-

ficed or what Lord Sinha sacrificed. Well, Sir, they made their piles at the bar, and, after having done so, they wanted to have a quiet time and, at the same time, serve the country. My Honourable friends contend that this fully qualified actuary, who is drawing a higher salary with additional commission on the top of it, would gladly have served the Government of India on a less salary, if he had been given the chance.

**An Honourable Member :** And thus serve the country.

**Sir Abdul Halim Ghuznavi :** Do not say that these actuaries are serving the country as a matter of choice. Their business is their means of livelihood and the interest of insurance business is of secondary consideration. What I want to submit is this. The Congress Party, by their action during the debate on the Insurance Bill, deliberately restricted or limited the choice of a Superintendent to one who is qualified as an actuary. What can the Government do under the circumstances ? They found only one gentleman fit. The Government had the certain knowledge that this gentleman was in the service of one of the biggest insurance companies in India. Is it seriously suggested that this gentleman would have resigned his post and joined the Government of India as Superintendent for only five years ?

**An Honourable Member :** Why did not the Government try ?

**Sir Abdul Halim Ghuznavi :** What was there to try ? He was serving one of the biggest insurance companies and he would not even dream of resigning his post to join the Government on a less salary and for the limited period of five years. We, on this side of the House, feel that no case has been made out by all the speeches that we have listened to this afternoon for censuring the Government on this particular count. So far as the principle is concerned, we are with them. We are prepared to fight day in and day out if a qualified Indian is available and to insist upon his appointment. As regards this particular job with respect to which this censure motion has been brought forward, we feel that the Government are not to blame. It is not that the Government deliberately made this appointment. They had no other choice. You restricted their selection only to a particular class of which there was only one who was already better employed and in insurance business too. On all these grounds, I oppose this motion.

**Mr. M. S. Aney :** Sir, I did not expect that any of my Honourable friends on this side of the House, whether belonging to the Muslim League Group, the Congress Group or any other Indian non-official Group, would stand on his legs to oppose this motion. However, my Honourable friend, Sir Abdul Halim Ghuznavi, who says he has got so much solicitude for the principle for which the Congress Benches have been fighting thought it necessary to enter a protest and record his dissent on the motion which is under discussion now.

Sir, my great objection to the attitude of the Government on this motion is this. Attempt was made by the Honourable the Leader of the House to explain to us that in making this appointment Government tried their best to find out a qualified man within the meaning of the terms of the insurance law which was passed by this House. I

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would rather request him to consider the spirit in which that legislation was passed by this House. It was virtually a spirit of co-operation between the non-official Benches and the official Benches that enabled the Government to carry on successfully this measure and place it permanently on the Statute-book. What was the reason for the non-official Benches to give their support materially to some of the important provisions of that Bill? Because it was thought that the Bill was intended to promote the best interests of the country as well as that it would be administered and worked in the spirit of doing real and substantial service to this country and that it will be worked in a really national spirit. That was the understanding and that was at any rate the feeling which prompted the Members of this side of the House to make numerous compromises and allow that Bill to have a safe passage. The spirit of co-operation was there in the expectation that a national outlook will be maintained by the Government in carrying out and administering the various provisions of this Act. Leaving aside the wording of this section here and there, can it be consistently said that the wording 'qualified actuary' which was put in there was intended with a view to leave some loophole for importing a foreigner from outside? In fact, the very nature of the debate on the floor of the House indicates that the House had its mind firmly fixed upon getting an Indian and none but an Indian for the most important job that has been provided for in this Act, in whose hands the administration of the Act has been placed. That was the reason why the suggestion made by my Honourable friend to my left was criticised by the then Leader of the House that if they were to accept the interpretation of a fully qualified actuary given by my friend, Mr. Aikman, then Indians will be altogether excluded. Why a reference was made to the exclusion of Indians? Because Sir Nripendra Sircar received the co-operation of this House and he knew fully well that this House would insist and it had been even then insisting upon the working of this Act in a truly national spirit. I can never expect that whatever be the qualifications of a man otherwise, if he is a foreigner, he can work any Act in India in a truly national spirit. I submit he cannot but bring with him his foreign spirit and work any Indian law only in that spirit. Without meaning any disrespect to the gentleman who has been appointed for this particular job, I have no doubt in my mind that the working of this Act in a truly national spirit is an impossibility so long as you do not put in there a truly national man to work. The office of the Superintendent of Insurance is so important that upon a proper attitude of that officer the whole success of that Act depends and the prosperity and good business of the various insurance companies in India will largely depend upon the spirit in which the Superintendent works the provisions of the Act. That being the case, it was a measure in which I may say that for the first time the Opposition gave a good deal of support to Government and it was up to Government to show that they were in a position to appreciate the support and the co-operation of the Opposition by accepting their point of view in the matter of the appointment of the most important post which was created by the Act. In that they have failed to appreciate the spirit and they are not interpreting the Act in the proper spirit in which it ought to be interpreted. In

fact the spirit in which that co-operation was given is now forgotten by Government and they are importing their own spirit in interpreting these sections and in the administration of the Act. I am very much apprehensive of the consequences that may follow if this spirit continues hereafter.

After that there has been one argument advanced to which I want to give a reply. My Honourable friend, Sir Abdul Halim Ghuznavi, has thought it fit to support the Honourable the Leader of the House in the very sinister suggestion he made that it was not possible for Government, and they did not think it necessary, to consult the one man who at least according to them was fully qualified. His suggestion was that it was human nature that prompted the Government of India not to approach that gentleman, and therefore they did not think it worth while to consult the man as he was already making more money and naturally would not have accepted the job which carried a lower salary. To that a reply was given by my Honourable friend, Mr. Joshi, as well as the Leader of the Opposition that Indians are not found wanting who can make sacrifices when the interests of the country demand it. There have been noble examples which are present in the minds of every one of us here and I need not recapitulate those names. But the uncharitable remarks made by my Honourable friend, Sir Abdul Halim Ghuznavi, have gone even beyond my comprehension and I never thought that an Indian was ever capable of making such remarks on the floor of this House. What of the sacrifice that Lord Sinha made and Sir Nripendra Sircar made or other Indians have made? That is nothing because, it is said, they made money in their own time. My Honourable friend generally takes the word of the Government of India and the Secretary of State and other such highly placed Englishmen as gospel truths. I will, therefore, like to remind him of what was said by Lord Morley in the House of Lords about Lord Sinha and the enormous sacrifices made by the latter. And who does not know of the heavy sacrifice made by Sir Nripendra Sircar in coming here? My Honourable friend, if he has got the fairness and the dispassionate outlook required for these things, will see that today in India there are persons who have made great sacrifices and are working on a petty salary of Rs. 500 only to serve their motherland.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : Many of them are not worth even Rs. 500.

**Mr. M. S. Aney** : I am not surprised at this interruption from Maulana Shaukat Ali ; he has only shown himself to be a bird of the same feather, using the same language. Men who have made sacrifices and are capable of making sacrifices will not only lose thousands, but lose their lives also in the service of their motherland. And if Government, after being here for so many years, have not studied the situation in the country and do not know the real feelings of the people and their spirit of sacrifice and capacity for sacrifice which has been manifesting itself, that Government stands condemned. Sir, it was the gravest blunder and a mistake of the highest type that the Government of India, having known that there was at least one man who possessed the highest qualifications and came up to their requirements in the matter of occupying this post, did not even care to make

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an offer to him and receive his refusal. I think my Honourable friend, Mr. Joshi, made a very shrewd suggestion. Was it the apprehension that he might accept it which deterred the Government of India from making that offer? Have Government made him an offer and received his refusal? He was the most capable man and if he did not accept it they could have appointed a suitable person from elsewhere. The question is, why did the Government of India think it necessary to prejudge the matter without making a formal offer to this gentleman and giving him a chance to say yes or no? I have no doubt that this most competent gentleman would not have hesitated to sacrifice his own income for the time being and for a period of five years and would have assumed the administration of this new Act in the interest of the insurance companies in whose service he has passed so many years of his life. Then there is one more question. What is the meaning of "15 years' experience" in England? A man may have as well got that experience in Brazil or Timbuctoo, but how is that going to help him in administering the law in a country of which he has absolutely no knowledge? He will be making himself acquainted with the conditions here at a cost of Rs. 2,000 a month for a period of five years, and for the first time in this country; and by the time his study is complete his term will be over. So that all this experience in a foreign country is not necessarily a safe guide to enable a man to carry on a responsible office like that. Therefore, on the ground of experience also, even if an Indian had less experience I would consider him preferable because his experience is gained under conditions in which the Act has to be administered. I deny that any foreigner can claim that intimate acquaintance with the conditions of India as an Indian can. Therefore, I feel that my Honourable friend, Sir Muhammad Zafarullah Khan, persuasive as he always is, has on this occasion failed to appreciate the spirit of the adjournment motion, and his arguments did not therefore appeal to me at all. And I appeal to the House

4 P.M. and also to my Honourable friends on my right to take a broad and national view of the question and record their votes in favour of the motion.

**Several Honourable Members :** The question may now be put.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That the question be now put."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That the House do now adjourn."

The Assembly divided :

AYES—55.

Abdul Qaiyum, Mr.

Abdul Wajid, Maulvi.

Abdur Rasheed Chaudhury, Maulvi.

Aney, Mr. M. S.

Asaf Ali, Mr. M.

Ayyangar, Mr. M. Ananthasayanam.

Bajoria, Babu Baijnath.  
 Banerjee, Dr. P. N.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Venkatachalam.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hedge, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Ismail Khan, Haji Chaudhury Muham-  
 mad.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Lalbiri Chaudhury, Mr. D. K.  
 Maitra, Pandit Lakshmi Kanta.

Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Paliwal, Pandit Sri Krishna Datta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Varma, Mr. B. B.

## NOES—56.

Abdul Ghani, Maulvi Muhammad.  
 Abdullah, Mr. H. M.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Aikman, Mr. A.  
 Ayyar, Mr. N. M.  
 Azhar Ali, Mr. Muhammad.  
 Bajpai, Sir Girja Shankar.  
 Bartley, Mr. J.  
 Bewoor, Mr. G. V.  
 Bhutto, Mr. Nabi Baksh Ilahi Baksh.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.  
 Couran-Smith, Mr. E.  
 Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur Captain.  
 Damzen, Mr. P. R.  
 Essak Sait, Mr. H. A. Sathar H.  
 Faruqui, Mr. N. A.  
 Fazl-i-Haq Piracha, Khan Bahadur  
 Shaikh.  
 Ghulam Bhik Nairang, Syed.  
 Ghulam Muhammad, Mr.  
 Ghuznavi, Sir Abdul Halim.  
 Grigg, The Honourable Sir James.  
 Jawahar Singh, Sardar Bahadur Sardar  
 Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Khushalpal Singh, Raja Bahadur.  
 Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.

Metcalfe, Sir Aubrey.	Shaukat Ali, Maulana.
Miller, Mr. C. C.	Siddique Ali Khan, Khan Bahadur Nawab.
Mitchell, Mr. K. G.	Sivaraaj, Rao Sahib N.
Mukerji, The Honourable Sir Manmatha Nath.	Sundaram, Mr. V. S.
Mukharji, Mr. Basanta Kumar.	Town, Mr. H. S.
Nur Muhammad, Khan Bahadur Shaikh.	Tylden-Pattenson, Mr. A. E.
Ogilvie, Mr. C. M. G.	Umar Aly Shah, Mr.
Parkinson, Mr. J. E.	Walker, Mr. G. D.
Rafiuddin Ahmad Siddiquee, Shaikh.	Yamin Khan, Sir Muhammad.
Rahman, Lieut.-Col. M. A.	Zafar Ali Khan, Maulana.
Ronson, Mr. H.	Zafrullah Khan, The Honourable Sir Muhammad.
Scott, Mr. J. Ramsay.	Ziauddin Ahmad, Dr. Sir.
Shahban, Mr. Ghulam Kadir Muhammad.	

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th August, 1938.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 9th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

39. **\*Sardar Mangal Singh** : Will the Honourable the Leader of the House please state :

(a) whether the revised Instruments of Accession to the Federation have been sent to the Princes, and whether any replies have so far been received from them ; and

(b) whether any Prince has actually signified his willingness to join the Federation, and if so, who he is ?

**The Honourable Sir Muhammad Zafrullah Khan** : With your permission, Sir, I shall reply to questions Nos. 39, 47, 53, 61, 82 and 88A together.

I have nothing to add to the statement made by the Honourable Sir James Grigg on the 10th March, 1938, in reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 737.

**Mr. S. Satyamurti** : May I know, with regard to the Instruments of Accession to the Federation, whether no progress has been made since the last reply was given on the 10th of March, 1938, to which my Honourable friend refers ?

**The Honourable Sir Muhammad Zafrullah Khan** : I am unable to add to that statement.

**Mr. S. Satyamurti** : Are these Instruments of Accession now taken by Lord Linlithgow to England to discuss them with Lord Zetland, the Secretary of State for India ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have no information as to what Lord Linlithgow took with him to England.

**Mr. S. Satyamurti** : May I know whether, to the knowledge of the Government of India, any Instruments of Accessions are now being discussed by the Governor General when he is on leave with the Secretary of State ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no information.

**Mr. S. Satyamurti :** Are Government now carrying on any negotiations with any Indian Prince or Princes, with regard to these Instruments of Accession ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no information.

**Mr. S. Satyamurti :** Has any Prince or have any Princes addressed the Government of India directly or indirectly as regards the terms with regard to their agreement to these Instruments of Accession ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to make a statement.

**Mr. S. Satyamurti :** Are the Princes objecting to the draft Instruments of Accession being accepted by them on the ground, first that they must be allowed to administer federal subjects by themselves, and secondly that they must be given more definite concessions with regard to excise and other duties ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Sir James Grigg made a very long statement on this matter on the occasion I referred to in my reply, and he also gave reasons as to why it was difficult to make detailed statements from time to time.

**Mr. S. Satyamurti :** That answer was given in March last, and we are now in August. I am merely pointing out to you and to the House, if I may, that the answer of my friend which says " I have nothing to add " means nothing to add to nothing, because we were not told anything then, and we are now told in August " We have no information ", and I want to know whether to the knowledge of the Government the Instruments of Accession are at any stage, whether anybody dealing with it, or whether it has gone to the cold storage ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the Honourable Member said he has no information.

**Mr. S. Satyamurti :** Sir, it cannot be that the Government of India have no information.

**Mr. President** (The Honourable Sir Abdur Rahim) : Perhaps they are not in a position to answer.

**Mr. S. Satyamurti :** I should like them to say that. We are anxious to know what is happening. If the Government decline to answer, then I can go no further.

**Mr. President** (The Honourable Sir Abdur Rahim) : From the nature of the answers Government have given, it appears to be clear that they are not in a position to give an answer or they are not prepared to give all that information.

**Mr. S. Satyamurti :** May I know, Sir, if Government can refuse to answer a question which you have held in order except on the ground of public interest ? They must at least, I submit to the Chair, say, they refuse to answer the question on the ground of public interest.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is not necessary for the Government or for the Government Member always to say that in replying to questions. From the answers given by the Honourable Member, one can very well presume, what is the attitude of the Government.

**Mr. S. Satyamurti** : Do Government say that it is not in the public interest to disclose any information about the stage of the Instruments of Accession ?

**The Honourable Sir Muhammad Zafrullah Khan** : May I draw the Honourable Member's attention to the last seven lines of the reply given by the Honourable Sir James Grigg in March last to which I referred in my reply this morning ?

**Mr. S. Satyamurti** : Will the Honourable Member please read them out ?

**The Honourable Sir Muhammad Zafrullah Khan** : " But in the interests of these negotiations themselves their conduct must be confidential, and this necessarily precludes any public announcement at this stage regarding the substance of the matters under consideration or under discussion with States or any statement, except in the most general terms, of the progress made towards Federation, the early achievement of which represents the considered policy both of His Majesty's Government and of the Government of India".

**Maulana Zafar Ali Khan** : With reference to (b), may I know, Sir, whether Hyderabad State, the premier Native State in India, has declared its willingness to join the Federation, if so, whether they have agreed to send their representative to the Federation by election or nomination ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have no information on that.

**Mr. Manu Subedar** : May I draw the attention of the Chair to my question 82 (a) which does not come within the scope of the reply just read out by the Honourable the Leader of the House ? I will read that question, " (a) whether the revised Instrument of Accession embodying the demands of the Indian Princes has been drafted ". I do not want to know what the draft is. I merely want to know whether in view of the expenses incurred in calling out a special man here and that man having left this country, any progress has been made in drafting the Instrument of Accession. That is my question, and I submit to you, Sir, it is not covered by the reply given by the Honourable the Leader of the House.

**The Honourable Sir Muhammad Zafrullah Khan** : I have just read out a portion of the reply given by the Honourable Sir James Grigg, but the Honourable Member may presume that if somebody was asked to come out to do a particular job of work and has gone back, he must have done that job of work.

**Mr. S. Satyamurti** : With reference to my question No. 88A, may I ask for a specific reply to clause (a) of that question, whether the final draft of the Instrument of Accession to the Federation is now ready ?

**The Honourable Sir Muhammad Zafrullah Khan :** Nobody can say what will be the final draft.

**Mr. S. Satyamurti :** I am not asking what the final draft is likely to be, but I want to know whether the final draft is ready ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot add anything to what I have already said.

**Mr. President** (The Honourable Sir Abdur Rahim) : I do not think it is worth pursuing the matter any further.

**Mr. K. Ahmed :** In view of the fact that the Honourable the Leader of the House has answered questions written out by somebody and to which he did not give proper replies,—he named the figures very many and I don't quite remember them,—but I know the substance of the questions which were like a bundle of clothes sent to the *dhobi* shop,—proper replies of which and supplementary questions asked thereto have not been given and that is, I hold, against the rules and standing orders, may I ask the Honourable Member to revise the answer and answer it personally and not to read out the manuscript of somebody which does not cover by the reply ?

**Mr. S. Satyamurti :** With regard to clause (c) of my question, may I know, Sir, if it is a fact that the final draft....

**Mr. K. Ahmed :** Sir, I want an answer to my question.

**Mr. President** (The Honourable Sir Abdur Rahim) : It was not a question at all.

**Mr. K. Ahmed :** Sir, what I said must not be expunged from the report. It must be down in the proceedings.

**Mr. S. Satyamurti :** I want to know if the final draft of the Instrument of Accession will be issued on the return of Lord Linlithgow in October this year.

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say whether it will be issued and when it will be issued.

**Mr. S. Satyamurti :** Clause (g) of my question is not covered by the answer of Sir James Grigg. Therefore I should like to have an answer to that question. It is 'whether the Indian princes are being persuaded to send their representatives to the Federal Legislature by election'.

**The Honourable Sir Muhammad Zafrullah Khan :** I have already explained that on these general questions I have nothing to add to the statement made on the 10th March, for the reasons stated in the last portion of the reply to which I have referred.

**Mr. S. Satyamurti :** That question was not concerned with this matter at all. I want an answer to this question.

**Mr. President** (The Honourable Sir Abdur Rahim) : He says he cannot answer.

**Mr. N. M. Joshi :** My question is a very simple one. I only want to know whether the final form of the Instrument of Accession has been forwarded to the Rulers of the Indian States. Government can very

well say 'Yes' or 'No'. What I want to ask you is this—whether the refusal of the Government to give such simple information does not amount to contempt of the Legislature?

**An Honourable Member :** It is.

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir. I have already answered that.

**Mr. Manu Subedar :** There is a specific point raised in my question No. 82, part (b). That is not covered by the reply of the Honourable the Leader of the House. The question is "what is the reason causing the delay in sending this out to the Indian States". We do not want to know the draft or the substance of it. We only want to know what are the circumstances which are causing the delay. That is not covered by Sir James Grigg's statement. I am entitled to a reply to this.

**The Honourable Sir Muhammad Zafrullah Khan :** There has been no avoidable delay.

#### NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

40. **\*Sardar Mangal Singh :** Will the Honourable Member for Commerce please state :

(a) when the Indo-British trade negotiations will be concluded ;  
and

(b) when this House will be consulted ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government are still not in a position to say when the negotiations will be finally concluded, but it is hoped that they will now be brought to a close at a fairly early date.

(b) Does not arise.

**Mr. S. Satyamurti :** With reference to clause (a) of the question, may I ask the Commerce Member whether he can give an indication as to whether the conclusion of these negotiations will be announced to the House before it rises this Session ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am hoping that it might be possible to announce that, after the talks have been concluded one way or the other.

**Mr. K. Santhanam :** Will the Honourable the Commerce Member have to fly back again to England ?

**The Honourable Sir Muhammad Zafrullah Khan :** I hope I may not have to fly back or sail back.

**Mr. S. Satyamurti :** Did I understand my Honourable friend to say that the negotiations will be concluded one way or the other before the House rises ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is the hope.

**Mr. S. Satyamurti :** May I know if the House will be consulted ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that.

**Maulvi Abdur Rasheed Chaudhury :** Will the House be consulted before or after the negotiations ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of part (b).

**Mr. M. Ananthasayanam Ayyangar :** What items other than cotton have been settled so far ?

**The Honourable Sir Muhammad Zafrullah Khan :** The whole matter is under active examination. Even where certain matters have been provisionally settled, they are dependent upon the whole thing being agreed to.

**Mr. Manu Subedar :** May I know what are the circumstances which have caused the breakdown of the negotiations. On what things have you broken down ?

**The Honourable Sir Muhammad Zafrullah Khan :** We have not broken down at all.

**Mr. Manu Subedar :** Then why have you not come to a settlement ? What are the points of difference. That is my question.

**The Honourable Sir Muhammad Zafrullah Khan :** There have been points of difference in respect of almost everything.

**Mr. Manu Subedar :** Then why do you keep these things a secret. Why are these negotiations conducted in secrecy ?

**The Honourable Sir Muhammad Zafrullah Khan :** They have been carried on in exact conformity with the directions given by the House.

**Mr. Manu Subedar :** Then why have the non-official Indians been gagged while the Lancashire delegation and everybody on the European side including the Board of Trade have been informed of the entire trend of the negotiations.

**The Honourable Sir Muhammad Zafrullah Khan :** This is travelling very far from the subject matter of the question.

**Mr. Sri Prakasa :** May I know what is the exact significance of the words 'one way or the other' used by the Honourable Member in connection with the termination of the negotiations.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, I may not possess the same degree of knowledge of the English language that the Honourable Member claims to possess, but I am quite sure that the expression is simple enough even for him to understand.

#### RESOLUTIONS PASSED BY PROVINCIAL LEGISLATURES ABOUT THE ESTABLISHMENT OF FEDERATION.

41. **\*Sardar Mangal Singh :** Will the Honourable the Leader of the House please state :

- (a) which Provincial Governments have so far forwarded the resolutions passed by their respective Legislatures about the establishment of Federation as envisaged in the Government of India Act, 1935 ;

(b) which Provincial Governments are in favour of, and which against, the establishment of the Federation ; and

(c) what view the Government of India hold on this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The Government of India have received from Provincial Governments copies of the resolutions adopted by both Chambers of the Madras and Bombay Legislatures, the Bengal Legislative Council, and the United Provinces, Bihar, Punjab, Central Provinces and Berar, North-West Frontier Province, Orissa and Sind Legislative Assemblies against the establishment of Federation. In six Provinces the resolutions adopted were moved by one of the Ministers. In the case of four Provinces the resolutions were moved by non-official Members and were accepted by the Chamber.

(c) The Honourable Member is asking for an expression of opinion.

**Mr. T. S. Avinashilingam Chettiar :** Is there any province which has not passed a resolution like this ?

**The Honourable Sir Muhammad Zafrullah Khan :** Have I not given a detailed reply on this matter ?

**Mr. S. Satyamurti :** May I know whether these reports received from the several Provincial Governments have been forwarded to the Secretary of State ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that.

**Mr. Sri Prakasa :** What is the attitude of the Governments of the provinces where such resolutions were moved by non-official members and accepted by the Chamber ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say but the fact is that the resolution was accepted by the Chamber.

**Mr. S. Satyamurti :** May I know if the Government of India have considered these resolutions passed by the Provincial Legislatures in regard to their opposition to Federation ?

**The Honourable Sir Muhammad Zafrullah Khan :** I gave a reply to that in my reply to part (c) of the question.

**Mr. S. Satyamurti :** I am simply asking whether the Government of India have considered the opinions of the various Provincial Legislatures.

**The Honourable Sir Muhammad Zafrullah Khan :** The Government of India always consider whatever is relevant to their functions.

**Mr. M. Ananthasayanam Ayyangar :** May I know why in spite of the unanimous opinion of the Provincial Governments and Provincial Legislatures the Government are still insisting upon pursuing this Federation ?

**The Honourable Sir Muhammad Zafrullah Khan :** Is not that asking (c) in a different manner ?

**Mr. M. Ananthasayanam Ayyangar :** I have put the question in a clearer form.

**Sardar Mangal Singh :** May I know whether the Government of India have forwarded these resolutions to His Majesty's Government in the United Kingdom ?

**The Honourable Sir Muhammad Zafrullah Khan :** That was the question put by Mr. Satyamurti.

**Mr. T. S. Avinashilingam Chettiar :** We do not want an expression of opinion. We only want to know whether as a matter of fact the Government of India are pursuing this matter in spite of the unanimous opinion of the Provincial Governments ?

**Mr. S. Satyamurti :** We want to know whether the Government of India are taking steps to implement Federation as provided for in the Government of India Act of 1915.

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

**Mr. S. Satyamurti :** It arises in this way. We want to know the reasons why the Government of India, in spite of the unanimous opinion of the Provincial Legislatures, are still pursuing the imposition of this Federation.

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered that. It does not arise out of this question. Will the Honourable Member put down a question.

**Mr. S. Satyamurti :** It arises in this way.....

**Mr. President (The Honourable Sir Abdur Rahim) :** It will require a discussion on the whole subject of Federation.

**Mr. S. Satyamurti :** I merely want to know why the Government ignore the opinions of the Provincial Legislatures. We are entitled to an answer on that point.

**The Honourable Sir Muhammad Zafrullah Khan :** I have nothing to add to what I have said.

**Mr. Manu Subedar :** May I know if the resolutions of the Provincial Legislatures have been accepted or rejected by the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is asking part (c) of the question in another form.

**Mr. Manu Subedar :** I am merely asking for information as a matter of fact as to whether the Government of India have accepted or rejected those resolutions ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered that.

**Mr. Sri Prakasa :** In view of the fact that a Legislative Chamber can accept a resolution despite the opposition of Government, may I know the exact attitude of the Governments of the four Provinces where these resolutions were moved by non-official members of the Legislature ?



**The Honourable Sir Muhammad Zafrullah Khan :** That the Honourable Member can easily discover by reference to the report of the proceedings of those Legislatures.

**Mr. M. Ananthasayanam Ayyangar :** May I know what action has so far been taken upon those resolutions passed in certain Provinces ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question was put in another form and I have asked for notice.

**Mr. M. Ananthasayanam Ayyangar :** I am really surprised, Sir, at this answer.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member asked for notice.

**Mr. Sri Prakasa :** Sir, on a point of order. In reply to my question the Honourable the Leader of the House said that I could easily get the information I wanted, by referring to various documents published in various parts of the world, and I ask, is that a satisfactory answer ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The proceedings of Legislatures are always published for the information of the public, and it has always been held that if information can be had from a source like that, then Honourable Members may be properly referred to such information.

**Mr. Sri Prakasa :** Then I submit, Sir, that this reply should have been given to the question at the start, because we could have found out from the proceedings of the various Legislatures as to who moved the resolutions, etc., but as the Honourable Member did not do that at the start.....

**Mr. President** (The Honourable Sir Abdur Rahim) : That is only arguing. Next question.

**Mr. K. Ahmed :** Sir, as the Government are not at all giving proper information in reply to this question, I submit this is a proper subject for a vote of censure.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. I have called the next question.

**Mr. K. Ahmed :** Sir, this fact must go in on the records.....

*(Cries of "Order, order".)*

#### RECOMMENDATIONS OF PROVINCIAL GOVERNMENTS ABOUT THE AWARD OF TITLES.

42. **\*Sardar Mangal Singh :** Will the Honourable the Leader of the House please state :

- (a) which Provincial Governments submitted their recommendations regarding the award of titles mentioned in the last Honour's list ;
- (b) which Provincial Governments did not submit any recommendations about the award of titles ;

(c) which Provincial Governments have so far intimated to the Government of India the resolution passed by their respective Legislatures against conferring any titles on the British subjects residing in their territories ; and

(d) what view Government hold on this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** With your permission, Sir, I will answer parts (a) and (b) together.

Provincial Governments as such are not the authorities which submit recommendations for honours or titles.

Part (c).—Bombay, United Provinces, Central Provinces and Berar.

Part (d).—The Honourable Member is asking Government for an expression of opinion.

**Seth Govind Das :** What have Government done in this respect, upon the recommendations of these Provinces ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have noted that opinion.

**Mr. Mohan Lal Saksena :** May I ask on whose recommendation titles were conferred in Provinces in which the Governments have refused to make recommendations ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not the function of a Provincial Government as such to make recommendations.

**Mr. S. Satyamurti :** May I ask, in regard to the conferment of titles on individuals in the provinces apart from those serving with or under the Government of India who are the authorities who make recommendations for the grant of titles ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not sure but I should think it is the function of the Governor as such.

**Mr. S. Satyamurti :** May I know if subordinate officials are allowed to make recommendations for titles above the heads of Governments ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say.

**Mr. Mohan Lal Saksena :** Is there any statutory provision for the grant of titles ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unaware of that. Anyway if specific information is required, the Honourable Member had better put down a question.

**Mr. Mohan Lal Saksena :** On what basis did the Honourable Member say that it is the function of the Governor ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said that with a certain amount of diffidence ; I am quite sure it is not the function of the Provincial Government.

**Mr. M. Ananthasayanam Ayyangar :** May I know whether it comes in in any of the provincial lists or central lists ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware whether it does.

**Mr. M. Ananthasayanam Ayyangar :** How then do the Government of India impose this obligation on the Local Governments to make recommendations ?

**The Honourable Sir Muhammad Zafrullah Khan :** No such obligation rests upon the Local Governments.

**Mr. M. Ananthasayanam Ayyangar :** I say that collectors make such recommendations.

**The Honourable Sir Muhammad Zafrullah Khan :** I have no information on that.

**Mr. M. Ananthasayanam Ayyangar :** Does the Honourable Member deny that collectors make recommendations ?

**The Honourable Sir Muhammad Zafrullah Khan :** I neither deny nor affirm that ; I have said I have no information.

**Mr. M. Ananthasayanam Ayyangar :** How is it the legitimate duty of the collectors to make such recommendations and how are they entitled to make recommendations of this kind, if the Honourable Member is quite sure that that is not so ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said that I have no information.

**Mr. Abdul Qaiyum :** Is there any statutory duty cast on the Government of India to exploit the weakness of certain individuals by granting titles ?

(No answer.)

#### HIGH PRICES OF ARTICLES MANUFACTURED BY THE TATA STEEL COMPANY.

43. **\*Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Commerce Member state whether it is not a fact that the prices of various articles manufactured by Tata Steel Company went much higher than the fair selling price fixed by the Tariff Board on the basis of which quantum of protection was given ?

(b) Is it not a fact that all the benefits of higher prices went to Tata Company and not to the Government ?

(c) Is it not a fact that special bonus was given to the Manager and Heads of Departments ?

(d) Is it not a fact that Mr. Dalal was given 3½ lakhs over and above his salary of Rs. 6,000 per mensem, and his salary is thus 50 per cent. more than the salary of the Presidency Governor ?

(e) Was the protection given in the interest of developing the industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) No, Sir. Some of the benefit of higher prices accrued to Government also in the shape of increased receipts on account of income and super-taxes.

(c) and (d). Government have no information beyond what is contained in the published accounts of the Tata Iron and Steel Company, Limited, for the year 1937-38.

(e) The Honourable Member's attention is invited to the Statement of Objects and Reasons of the Iron and Steel Duties Act, 1934.

**Mr. K. Santhanam :** Is it a fact that for several years afterwards the prices fixed by them as the proper prices were not reached as a matter of fact ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that.

**Mr. M. Ananthasayanam Ayyangar :** Are Government aware that even to this day the Tatas sell pig-iron to Indian merchants at Rs. 44 whereas their export price is only Rs. 24 ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware.

**Mr. S. Satyamurti :** Have Government considered the question of regulating the prices of articles produced by industries to which protection is given, in the interest of all concerned ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a very large question which does not arise.

**Dr. Sir Ziauddin Ahmad :** Is the interest of the Government confined only to the income-tax, or do they get any share from the profits ?

**The Honourable Sir Muhammad Zafrullah Khan :** The interest of Government is not confined only to income-tax, but that is the only manner in which they have received a share.

**Dr. Sir Ziauddin Ahmad :** Their share consists only in the income-tax, or in the excess profits also ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that.

**Dr. Sir Ziauddin Ahmad :** Have Government got any machinery by means of which they can secure that the help given to them for a fair selling price should be withheld if they get something more than the fair selling price, in which case that should go to the Government or to the consumers ?

**The Honourable Sir Muhammad Zafrullah Khan :** I should have thought that machinery would be for the purpose of finding statistics or facts, but what the Honourable Member is suggesting is certain action to be taken ?

**Dr. Sir Ziauddin Ahmad :** Have Government got any machinery for finding these out ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

**Dr. Sir Ziauddin Ahmad :** Will Government tell us what was the excess gained by them over and above what was given to them by the Act of 1934 ?

**The Honourable Sir Muhammad Zafrullah Khan :** Those documents in which these particulars are given are equally available to the Honourable Member.

**Mr. Ram Narayan Singh :** If no further protection is necessary, will Government consider the question of discontinuing protection ?

**The Honourable Sir Muhammad Zafrullah Khan :** That always comes under review at suitable intervals.

#### FAIR SELLING PRICE OF BARS AND GALVANISED CORRUGATED IRON SHEETS.

44. **\*Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Commerce Member please state whether it is not a fact that the fair selling price of bars, on which protection was given, was calculated at Rs. 106 per ton and it is now Rs. 165 per ton ?

(b) Is it not a fact that the fair selling price of galvanised corrugated iron sheets was Rs. 170 per ton, and it is now Rs. 240 per ton and it went up to Rs. 320 per ton ?

(c) Do Government propose that a portion of the excess profit of the protected industries may go to the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Yes, Sir, but for current prices of these articles, I must refer the Honourable Member to price quotations published in various newspapers and trade journals.

(c) I would refer the Honourable Member to my reply to part (b) of his question No. 43 just given.

#### FEE CHARGED AND MEDICAL INSPECTION OF HAJ PILGRIMS AT KAMARAN QUARANTINE STATION.

45. **\*Dr. Sir Ziauddin Ahmad :** (a) Will the Education Secretary be pleased to state the amount of fee charged from every Hedjaz pilgrim to meet the Kamaran quarantine expenses ?

(b) What is the total amount collected in the year 1937-38 ?

(c) How was this money spent ?

(d) Were the pilgrims examined medically on the boat, or were they compelled to get down ?

(e) For what period were the ships detained at Kamaran for medical inspection ?

**Sir Girja Shankar Bajpai :** (a) Rs. 8 per head.

(b) Rs. 2,88,666.

(c) It is utilised for the maintenance of the Kamaran Quarantine Station.

(d) Pilgrims were examined medically on board.

(e) About two hours.

**Mr. Abdul Qaiyum :** May I know if the practice of disembarking pilgrims at Kamaran was discontinued in 1937 and that there is no such thing as quarantine at present in existence ?

**Sir Girja Shankar Bajpai :** The quarantine in any case depended upon whether a ship was actually suspected of having on it a case of infectious disease, but I think my Honourable friend is correct in saying that the actual practice of disembarkation has been discontinued since 1937.

**Mr. Abdul Qaiyum :** In view of the fact that this practice has been discontinued and that the Haj Enquiry Committee has recommended its reduction to Rs. 3, have Government reduced the fee charged from each Haji to Rs. 3 instead of Rs. 10 ?

**Sir Girja Shankar Bajpai :** I would like to inform my Honourable friend that the Government of India have under active consideration the question of reducing the fee from Rs. 8 to Rs. 3.

**Mr. Sri Prakasa :** Is it not a fact that the spiritual value of these pilgrimages is enhanced by the amount of discomfort experienced by the pilgrims on the way ?

**Sir Girja Shankar Bajpai :** I think my Honourable friend is a more learned doctor on Muhammadan theology than I am.

**Dr. Sir Ziauddin Ahmad :** Will Government be pleased to mention what is the amount of saving Government have had in connection with this quarantine—the difference between income and expenditure ?

**Sir Girja Shankar Bajpai :** Well, as a matter of fact, the income varies from year to year, being dependent upon the number of pilgrims that go.

**Dr. Sir Ziauddin Ahmad :** What was the amount realised last year ?

**Sir Girja Shankar Bajpai :** I have already given the figure for the last year. The amount realised was Rs. 2,88,666 and the expenditure incurred was Rs. 1,45,000.

**Dr. Sir Ziauddin Ahmad :** What has happened to the balance ?

**Sir Girja Shankar Bajpai :** When the expenditure exceeds the income, the balance is utilised to cover the deficit.

**Mr. Abdul Qaiyum :** Is it a fact that this amount is added on to the steamer fares of Hajis ?

**Sir Girja Shankar Bajpai :** I believe that the shipping companies are under an obligation to recover the quarantine fee as part of the fare.

**Dr. Sir Ziauddin Ahmad :** Suppose the quarantine is stopped altogether at Kamaran, will the Government still maintain a staff at Kamaran ?

**Sir Girja Shankar Bajpai :** My Honourable friend is asking a hypothetical question.

**Dr. Sir Ziauddin Ahmad :** Is the staff utilised for any other purpose except for quarantine ?

**Sir Girja Shankar Bajpai :** The quarantine staff is utilised only for the purpose of quarantine.

**Dr. Sir Ziauddin Ahmad :** The quarantine time is limited to a few weeks only. What does the staff do for the rest of the year ?

**Sir Girja Shankar Bajpai :** It is impossible to get the staff only for the period of the Haj and so they have to be maintained on a permanent footing.

**Dr. Sir Ziauddin Ahmad :** Is it not possible for the Government of India to send temporarily from India men in their permanent service for a few years and give them an allowance ?

**Sir Girja Shankar Bajpai :** If they go on temporary service for a few years, they will have to be paid all the year round. You cannot get them for a few weeks.

**Dr. Sir Ziauddin Ahmad :** You can get any number of men for this short period ?

**Sir Girja Shankar Bajpai :** That is my Honourable friend's opinion.

**Mr. Abdul Qaiyum :** In view of the fact that the quarantine has been discontinued, has there been any reduction in the number of staff employed at Kamaran ?

**Sir Girja Shankar Bajpai :** I think there has been reduction in the staff, but if my Honourable friend wants details, I would like to have notice.

**Mr. Abdul Qaiyum :** I merely want you to reduce the amount.

**Sir Girja Shankar Bajpai :** I have already said that I have taken up the question of reducing the amount and I hope that I shall be able to reduce it.

**Dr. Sir Ziauddin Ahmad :** Is this quarantine maintained on account of the demand from the Government of Arabia or is it maintained because of the sweet-will of the Government ?

**Sir Girja Shankar Bajpai :** It is not maintained by the sweet-will of the Government. It is maintained under obligations which the Government of India have assumed under the International Sanitary Convention.

#### COUNTRIES CONDUCTING NEGOTIATIONS FOR TRADE AGREEMENT WITH INDIA.

46. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) with what countries the Government of India are conducting trade negotiations at present ; and

(b) at what stage those negotiations are ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The Government of India are at present conducting trade negotiations with His Majesty's Government in the United Kingdom for the conclusion of a trade agreement. His Majesty's Government in the United Kingdom in consultation with the Government of India are also negotiating the renewal of a treaty of 1891 with the Sultan of Muscat. The former Treaty will expire in February, 1939. These negotiations are still in progress.

**Mr. T. S. Avinashilingam Chettiar :** May I ask whether there have been any trade negotiations with Ceylon ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir. The position with regard to Ceylon is that negotiations will be taken up shortly after the completion of the trade negotiations with the United Kingdom.

**Mr. T. S. Avinashilingam Chettiar :** May I ask whether the Government intend to postpone the trade negotiations with Ceylon till an agreement is concluded with the United Kingdom ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know in what manner this question is different from the previous one.

**Mr. M. Ananthasayanam Ayyangar :** May I ask why the Government of India is not directly negotiating a trade treaty with the Sultan of Muscat ?

**Sir Aubrey Metcalfe :** May I answer, Sir, this question. The Government of India are not negotiating directly with the Sultan because the original treaty relations are between the Sultan of Muscat and His Majesty's Government.

**Mr. S. Satyamurti :** In view of the Resolution of this House to terminate the Ottawa Agreement which also recommended that they should conduct trade agreements with other countries, may I know the reason why the Government of India are not conducting the trade negotiations with Germany, Italy, the United States of America and others with whom we have actual trade relations ?

**The Honourable Sir Muhammad Zafrullah Khan :** One reason is that unless they know how they are likely to stand with regard to the United Kingdom with reference to preferences and other matters that may be the subject matter of a trade agreement, it is difficult to decide on what basis trade negotiations may be started with other Governments.

**Mr. S. Satyamurti :** With regard to the Anglo-Indian trade negotiations, are the Government of India actively keeping in mind the necessity to conclude them in the best interests of this country and that they will not be allowed to fetter our hands in any degree or in any way, with regard to our trade negotiations with other countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Government of India are keeping in mind all the factors that were pointed out to them during the debate.

**Mr. Manu Subedar :** May I ask from the Foreign Secretary whether it is not a fact that the Residency in Muscat is maintained from the revenues of India and whether in view of that fact the negotiations could not be taken up directly ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That is arguing.

**Mr. M. Ananthasayanam Ayyangar :** Is it one of the conditions of the treaty that India should not have a direct treaty with Muscat ? What are the impediments for the Government of India to directly negotiate a treaty with the Sultan of Muscat ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That does not arise.



**Sardar Mangal Singh :** May I ask whether any trade negotiations are being carried on with the United States of America ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already given a very complete answer.

#### INTRODUCTION OF FEDERATION.

†47. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Law Member state :

- (a) whether they have made any time-table for the introduction of federation ;
- (b) when they expect its inauguration ; and
- (c) how many princes have signed, or agreed to sign, the revised Instrument of Accession ?

#### AMENDMENT OF THE GOVERNMENT OF INDIA ACT, 1935.

48. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Leader of the House state :

- (a) whether they have received any representation from anybody about the need for the amendment of the Government of India Act, 1935 ;
- (b) whether they are in correspondence with His Majesty's Government over this matter ; and
- (c) if so, what are the specific matters over which amendments are being sought ?

**The Honourable Sir Muhammad Zafrullah Khan :** I regret that I am not in a position to make any statement on the points raised by the Honourable Member for the reason that it would not be in the public interest to do so.

**Mr. S. Satyamurti :** May I ask whether the Federation of the Chambers of Commerce and Industry have not pressed the Government of India on the question of amending sections 111 to 117 of the Government of India Act with regard to commercial discrimination ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is a specific question on this subject later on.

**Mr. T. S. Avinashilingam Chettiar :** Apart from the fact as to what steps they are taking, can they say yes or no ? What is the reply to part (b) ?

**The Honourable Sir Muhammad Zafrullah Khan :** The reply to the whole question is that I am unable to make a statement because it is not in the public interest to do so.

#### SCHEME FOR HOLDING INDUSTRIAL, ART AND AGRICULTURAL EXHIBITIONS.

49. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Commerce be pleased to state if it is a part of the scheme of the Central Government to hold industrial, art and agricultural exhibitions ? If so, will the Honourable Member for Commerce

†For answer to this question, see answer to question No. 39.

be pleased to state the number of industrial exhibitions held under the initiative and patronage of the Central Government between the years 1930 and 1938, and the places where they were held ?

(b) Will the Honourable Member be pleased to state the amount paid by the Central Government for the aforesaid exhibitions, respectively ?

(c) Will the Honourable Member be pleased to state if it is a part of the Central Government's scheme to hold such exhibitions in the different Provinces after the inauguration of Provincial Autonomy ?

(d) If not, will Government be pleased to lay on the table a scheme of the Central Government for such exhibitions to encourage industries of India in general ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (c) and (d). I presume the Honourable Member refers only to large scale exhibitions such as have been held in various parts of India from time to time. The holding of such exhibitions is a matter of provincial concern and constitutionally the initiative must lie with the Provincial Governments, the Central Government confining their attention to the Centrally Administered Areas. One such Exhibition is held annually in Delhi. The initiative in respect of the Exhibition is entirely non-official, but it is patronised by Government Departments.

(b) Grants have been made by the Central Government during the last few years to certain large scale exhibitions held outside Centrally Administered Areas but these grants were made expressly for the purpose of exhibiting handloom products and improved handloom machinery and appliances and were met out of the Central Revenues fund earmarked for the development of the handloom industry. The amounts of the grants were as follows :

	Rs.
Bihar and Orissa Provincial Exhibition, Patna, held in 1935-36.	10,000
All-India Industrial Exhibition, Delhi, held in 1935-36.	7,500
The United Provinces Industrial and Agricultural Exhibition, Lucknow, held in 1936-37.	30,000
All-India Exhibition of Arts and Industries, Punjab, Lahore, held in 1937-38.	40,000
	87,500

**Mr. M. Ananthasayanam Ayyangar :** May I ask if any Exhibitions are held under the auspices of the Government of India in foreign countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that.

**Mr. M. Ananthasayanam Ayyangar :** I thought the question was sufficiently general.

**The Honourable Sir Muhammad Zafrullah Khan :** My impression is that no Exhibitions are held under the patronage of the Government of India in foreign countries, but in certain fairs the Government of India have taken part. If the Honourable Member wants a specific and considered reply, he must put down a question to that effect.

**REPORT OF SIR JAMES PITKEATHLY ON THE AMALGAMATION OF THE LONDON AND INDIAN STORES DEPARTMENT.**

**50. \*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Commerce state :

- (a) whether Sir James Pitkeathly has submitted his report on the amalgamation of the London and Indian Stores Department ;
- (b) If so, what is the nature of his recommendation ; and
- (c) whether Government have considered his report and come to any conclusion in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) and (c). The Report is at present under examination by the Government of India. I regret that I am unable at this stage to disclose the nature of the recommendations made in it.

**Mr. T. S. Avinashilingam Chettiar :** May I ask when the examination of the matter is likely to be finished ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is being considered. I really cannot specify any particular date.

**PROTECTION OF PURCHASERS FROM BEING MISGUIDED BY FICTITIOUS TRADE MARKS.**

**51. \*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Commerce please state :

- (a) if it is compulsory for imported goods to carry marks of the country of origin ;
- (b) if it is a fact that in Japan a place has been newly named ' Sweden ' and that matches imported from Japan bear the mark ' Sweden ' ;
- (c) if it is a fact that similarly ' Meeklesfield ' is the name marked for Japanese silk goods ; and
- (d) what steps Government propose to take to protect purchasers from being misguided by these marks ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No, Sir, unless the goods also bear some marking which would otherwise be misleading.

(b) and (c). Government have no information.

(d) As is indicated in the reply to part (a) the existing law protects purchasers from being misguided by such marks.

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member kindly inquire from the office of the Calcutta Trade Journals whether the facts stated in parts (b) and (c) are correct ?

**The Honourable Sir Muhammad Zafrullah Khan :** No case has so far been reported to Government.

**Mr. Manu Subedar :** Is it not a fact that representations have been made by the Chambers of Commerce that the Japanese trade associations have been copying trade marks and stamps and other marks used by Indian Mills for selling their goods in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

**Maulvi Abdur Rashid Chaudhury :** Now that it has come to the notice of the Government, will they make enquiries ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not necessary. No such case has been reported to Government. As I have indicated in my reply to part (d) the law provides a remedy for such cases.

**Maulvi Abdur Rasheed Chaudhury :** It has now come to the notice of the Government. Why not they make enquiries ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

#### ARCHÆOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

52. **\*Mr. Brojendra Narayan Chaudhury :** Will the Secretary for Education, Health and Lands please state :

- (a) the financial arrangements of the invitation offered to Sir Leonard Woolley to spend the winter in India ;
- (b) the name of the party, association or state which bore the expenses of Sir Leonard Woolley's explorations in North-West Syria ;
- (c) if other States and Associations interested in Archæology get the benefit of explorations made by the Survey of India ;
- (d) if the party first to move in the correspondence or negotiation fructifying in the invitation to Sir Woolley to visit India, was the Government of India ; if not, who it was ;
- (e) if he is aware that the Indian explorations at Mohenjodaro, etc., are likely to benefit those interested in explorations of North-West Syria and whether the Government of India intend to ask such States or Associations who are particularly interested in North-West Syria, to bear the entire cost of Sir Woolley's visit to India ; and
- (f) if there is any truth in the report current in Simla that Lady Woolley is also connected officially with the visit of Sir Woolley ; if so, what will be Her Ladyship's functions, and who will bear her costs, and how much ?

**Sir Girja Shankar Bajpai :** (a) A statement is laid on the table.

(b) Government have no information.

(c) The published results of the activities of the Archæological Survey are available to any person, association or Government on payment of the purchase price.

(d) The negotiations were initiated by the Government of India.

(e) In view of the answer to part (c), this does not arise.

(f) Lady Woolley will act as her husband's Secretary during the latter's visit to India. She will receive no salary but only travelling and subsistence allowance.

*Statement.*

(a) Honorarium at the rate of Rs. 1,000 a month for the period of his visit to India (including days spent in voyage), *plus* a lump sum of £500 for the whole period.

(b) First class 'B' return passage by P. and O. for Sir Leonard and Lady Woolley between Marseilles and Bombay and cost of direct first class overland journey by rail between London and Marseilles.

(c) First class actual travelling expenses in India for self and Lady Woolley.

(d) Voyage allowance at 10 sh. per diem during voyage to and from India.

(e) Outfit allowance of £75.

(f) Joint maintenance allowance while in India for self and Lady Woolley at the rate of Rs. 1,500 per mensem.

**Mr. Brojendra Narayan Chaudhury :** Is it a fact that the cost to be incurred will be about Rs. 30,000 ?

**Sir Girja Shankar Bajpai :** No, Sir. It will be Rs. 25,000.

**Mr. Brojendra Narayan Chaudhury :** The Government of India communiqué mentions " In order to provide for fruitful co-operation in this particular field of exploration between the archæologists in India and the archæologists working in the near East, it appeared desirable, etc." In view of this, will the Government extend the scope of co-operation to the field of finance also ?

**Sir Girja Shankar Bajpai :** If any association of archæologists had asked the Government of India to invite Sir Leonard Woolley, then the question of co-operation in the matter of finance would have arisen. But it does not arise in the present circumstances.

**Mr. Brojendra Narayan Chaudhury :** The Government of India have definitely said that there should be fruitful co-operation and that is why I am asking why not in the field of finance also ?

(No answer.)

**Mr. M. S. Aney :** May I know whether this expenditure is going to be incurred out of the provision already made this year for the Department of Archæology or whether it is the addition to that ?

**Sir Girja Shankar Bajpai :** I think the expenditure is going to be met from an *ad-hoc* provision.

**Mr. Manu Subedar :** May I ask whether the Secretaryship is a necessity or a convenience ?

**Sir Girja Shankar Bajpai :** I presume that in her matrimonial capacity her presence is a convenience and in her capacity as Secretary, it is not a convenience but a necessity.

**Mr. Abdul Qaiyum :** Does her share of expenses come out of this Rs. 25,000 ?

**Sir Girja Shankar Bajpai :** We are merely paying her travelling expenses and we have included, I think, the sum of Rs. 500 a month on account of her subsistence allowance.

**Mr. Badri Dutt Pande :** Is it a separation allowance for her ?

**Sir Girja Shankar Bajpai :** No ; it is compensation for her coming with her husband.

#### REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†53. **\*Seth Govind Das :** Will the Honourable the Leader of the House please state :

- (a) the stage in which the revised Federal draft of Instrument of Accession at present is ; and
- (b) whether it is a fact that the final touches to the draft will be given in personal consultation with His Excellency the Viceroy when he visits London ?

#### REPORT OF THE COMMISSION APPOINTED TO ENQUIRE ON THE CAUSES OF UNREST AMONG INDIAN WORKERS IN MAURITIUS.

54. **\*Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether the Commission appointed by the Mauritius Government to enquire into the causes of unrest among Indian workers in that colony, has submitted its Report ;
- (b) whether it is a fact that the Commission recommended for a ten per cent. increase in the agricultural wage prevailing there before the strike of August last ;
- (c) whether Government are aware of the contemplation of the Mauritius Government to introduce a Bill in their Local Legislative Council entitled “ The Public Emergency Powers Bill ” ;
- (d) the aims and objects of that Bill ;
- (e) whether the Mauritius Government are going to give effect to the recommendations of the Commission, so far as the increase of wages is concerned ; and
- (f) whether he had any correspondence with the Mauritius Government in the matter, and the results thereof ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) Yes, but without prejudice to any decision that might be taken under the Minimum Wage Ordinance, 1934.

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†For answer to this question, see answer to question No. 39.

(c) and (d). Government have made enquiries.

(e) and (f). The Government of India are in correspondence with His Majesty's Government in the matter.

#### DISTURBANCES AMONG THE INDIAN WORKERS IN BRITISH GUIANA.

55. **\*Seth Govind Das** : Will the Secretary for Education, Health and Lands please state :

(a) whether it is a fact that there have been disturbances, as a result of discontent, among the Indian workers in some estates of British Guiana ;

(b) the actual cause of the disturbances ; and

(c) the action taken by Government in the matter ?

**Sir Girja Shankar Bajpai** : (a) to (c). Government understand that there was unrest on two estates in British Guiana but that as a result of the efforts of the Commissioner of Labour, the matters under dispute, which related chiefly to wages, were amicably settled. His Majesty's Government have decided to send out a Royal Commission to the West Indies which, it is understood, would enquire into the economic condition of the people generally.

**Mr. M. Ananthasayanam Ayyangar** : Is it at our cost that the Royal Commission has been set up ?

**Sir Girja Shankar Bajpai** : It is at the cost of His Majesty's Government.

**Mr. Mohan Lal Saksena** : Is there any Indian on the Commission ?

**Sir Girja Shankar Bajpai** : As far as I know it does not include any Indian.

**Mr. Mohan Lal Saksena** : Did the Government of India make any representations to that effect ?

**Sir Girja Shankar Bajpai** : His Majesty's Government took the decision to appoint a Royal Commission and as the scope of the enquiry includes territories in which there are no Indians the Government of India would not have been on very strong grounds in asking for the inclusion of an Indian in the personnel of the Commission.

**Mr. M. Ananthasayanam Ayyangar** : Is it also one of the terms of reference that the conditions of Indians in those countries should be enquired into also ?

**Sir Girja Shankar Bajpai** : The general question remitted to the Royal Commission is an enquiry into the economic condition of the peoples of those territories. In British Guiana and in Trinidad and to a certain extent in Jamaica, there are Indian populations so that the Commission will look into their condition naturally.

**Mr. M. Ananthasayanam Ayyangar** : What steps have the Government of India taken to impress upon the Royal Commission to make a special report on the conditions of Indians in British Guiana ?

**Sir Girja Shankar Bajpai :** My Honourable friend seems to assume that in so far as the question of land settlement is concerned the interests of the Indian community in these territories are different from those of others. If what my Honourable friend wishes to enquire is as to whether the Government of India are considering any suggestions in order to ensure that the Indian case is properly presented my answer is in the affirmative.

**PROHIBITION OF ASSISTED EMIGRATION OF INDIAN LABOUR TO MALAYA AND  
REPATRIATION OF CERTAIN LABOURERS.**

**56. \*Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether Government have declared their decision to prohibit assisted emigration of Indian labour to Malaya ;
- (b) whether Government have asked the Malayan Government for the desirability of repatriating, free of cost, all labourers who are without employment or unwilling to work on reduced wages ;
- (c) whether Government have received any reply thereto ; if so, what it is ; and
- (d) the number of such labourers likely to be repatriated ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) The Malayan Governments are considering the question but have not yet come to a decision.

(d) In view of the reply to part (c) of the question, it is not possible to say.

**Mr. T. S. Avinashilingam Chettiar :** How many Indian emigrants have been repatriated already ?

**Sir Girja Shankar Bajpai :** There is another question later on on the order paper and I think my Honourable friend had better wait until it is answered.

**UNEMPLOYMENT CONVENTION PASSED AT THE WASHINGTON INTERNATIONAL  
LABOUR CONFERENCE IN 1919.**

**57. \*Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

- (a) whether the Government of India have given notice of their intention to denounce the unemployment convention passed at the Washington International Labour Conference in 1919 ;
- (b) if so, why they propose to denounce the convention ;
- (c) whether they propose to consult the Legislature before the denunciation becomes effective ; and
- (d) if not, why not ?



**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) The reasons are explained in the letter from the India Office to the Director, International Labour Office, a copy of which is placed on the table of the House.

(c) No.

(d) Government did not consider such a course necessary.

*Copy of letter No. E. & O. 2373/38, dated the 14th April, 1938, from the India Office, to the Director, International Labour Office.*

I am directed by the Secretary of State for India to inform you that the Government of India have decided to denounce the International Labour Convention adopted at the Washington Labour Conference in 1919 concerning Unemployment and that the necessary notice has been given to the Secretary-General of the League of Nations. In apprising you of this decision I am to indicate the reasons which have led to it.

2. The Government of India Act of 1935 has effected important changes in the constitutional position in India, and in particular, has altered substantially the relations between the Central Government and the Provinces in the sphere of labour. Whereas prior to 1st April, 1937, the Central Government had powers of superintendence, direction and control over the Provincial Governments in that respect, the latter are now autonomous within their own sphere. So far as the present question is concerned, the position is that "Unemployment" is now a matter upon which the Provincial Governments and Legislatures possess exclusive jurisdiction. In other words, the power both of legislation and administration has passed entirely from the hands of the Central Government.

3. In respect of the Unemployment Convention, the effect is briefly as follows. Whereas the Government of India had formerly power to require the submission of the statistics whose supply is obligatory under Article 1 of the Convention, they have now no such power. Further, whereas they formerly constituted a "central authority" having ultimate control over the provincial authorities for the purposes of Article 2 of the Convention, such power of control has now disappeared.

4. The Government of India felt themselves justified in ratifying the Convention by the existence of the Indian Famine Relief system, which has, under the conditions prevailing in India, served the purpose of providing against the effects of unemployment. The view has been held in some quarters that the creation of agencies on Western lines—particularly for industrial workers—is required if India is to give due effect to the provisions of the Convention. Though not admitting the validity of this view, the Government of India have from time to time reviewed the possibility of setting up such employment agencies. But up to the end of the period during which the Central Government were responsible for the subject of unemployment the conditions had not in their judgment become ripe for such a step, and as has been already explained, the Constitutional responsibility for the subject has now passed to the Governments of the Provinces.

5. For all these reasons the Government of India consider it undesirable that India should continue to be bound by the provisions of the Convention and have therefore reluctantly decided that its denunciation is the only proper course to be taken. They are, however, confident that this step will have no adverse effect on those in India whom the Convention was designed to protect.

**Mr. N. M. Joshi :** May I ask whether the Indian Legislature is considered as a constituent of the competent authority which ratifies or denounces conventions?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no statutory obligation to consult the Legislature when notice of denunciation is given.

**Mr. N. M. Joshi :** May I ask whether the Honourable Member has recently read a statement made by Sir Thomas Holland who represented this department. His statement is this :

"This Assembly is one constituent of the competent authority and I congratulate the Assembly on having the privilege."

If, Sir, this Assembly is part of the competent authority which ratifies or denounces the convention may I know why the Government of India did not consult the Legislative Assembly before denouncing the convention and why even after asking them, they refused to consult the legislature. Have the Government of India denounced the statement of Sir Thomas Holland that the legislature is a constituent part of the competent authority ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is an argument.

**Mr. N. M. Joshi :** May I ask whether the Government of India have denounced the statement of Sir Thomas Holland that the legislature is a constituent part of the competent authority ? It is a question, not an argument.

**The Honourable Sir Muhammad Zafrullah Khan :** It is an argument. The Honourable Member reads out a statement to me of which he has given no notice and then asks me to pronounce upon it.

**Mr. Mohan Lal Saksena :** Is it not a fact that whenever Government do not want to ratify a convention they come to this House for its opinion ?

**The Honourable Sir Muhammad Zafrullah Khan :** I shall require notice of that question.

**Mr. N. M. Joshi :** My question has given sufficient notice, and that is, whether they propose to consult the legislature before the denouncement becomes effective.

**The Honourable Sir Muhammad Zafrullah Khan :** To that I have given a specific reply.

**Mr. N. M. Joshi :** If the Honourable Member did not read the previous commitments of the Government of India it is his fault and not mine. I am asking him why he does not propose to consult the legislature.

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member does not seem to have read the letter I have mentioned. The reason given is that it is no longer the concern of the Government of India and there is no purpose in consulting the legislature or anybody else. It is now the concern of the Provincial Governments.

**Mr. N. M. Joshi :** As to the statement of the Honourable Member that I have not read that statement I may tell him that I have read it very carefully. Here is a convention which was ratified with the consent of the legislature and now they are denouncing it without the consent of the legislature. I want to know the reasons why Government do not propose to consult this legislature.

**The Honourable Sir Muhammad Zafrullah Khan :** I have given the reasons. I have said that this matter is no longer the concern of the Central Government but is the concern of the Provincial Governments who have become autonomous. The Central Government has no longer any authority in the matter, and therefore the consent of the legislature will not invest the Central Government with that authority.

**Mr. N. M. Joshi :** Are international affairs the concern of the Provincial Governments or of the Government of India ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I cannot have any discussion on that.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether the denouncement was made with the consent of the Provincial Governments ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not quite sure but I think not.

**Mr. T. S. Avinashilingam Chettiar :** If it is a matter for the Provincial Governments, may I know why the Government of India denounced this thing without the consent of the Provincial Governments ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Provincial Governments' business is to administer this matter ; they are not concerned with the international obligations.

**Mr. Mohan Lal Saksena :** May I know whether the Government of India have anything to do with the labour administration in the Centrally Administered Areas ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise.

**Mr. N. M. Joshi :** May I know whether international affairs are the concern of the Provincial Governments or of the Government of India ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### INTRODUCTION OF LABOUR LEGISLATION IN THE CENTRAL LEGISLATURE.

58. **\*Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

(a) whether the Government of India propose to introduce any labour legislation in the Central Legislature in the immediate future ; and

(b) if so, on what subject or subjects ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Government propose to introduce during the current session of the Legislature two Bills, one to abrogate certain defences in suits for damages in respect of injuries sustained by workmen, and the other to regulate the employment of children in docks and railways.

#### COLLECTION OF STATISTICS OF UNEMPLOYMENT IN INDUSTRIES.

59. **\*Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

(a) whether they have completed consideration of the question of legislation for the collection of statistics of unemployment in industries ;

(b) if so, what their decision is ; and

(c) if not, what the delay is due to ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). The Honourable Member presumably refers to the question of legislating for the collection of statistics of employment in industries. The Provincial Governments have been asked to place before their respective Legislatures resolutions empowering the Indian Legislature to regulate the matter by central legislation. No further action can be taken until the necessary resolutions are passed by the Provincial Legislatures.

CONDITION REGARDING FAIR WAGES IN FORMS OF CONTRACTS OF THE  
GOVERNMENT OF INDIA DEPARTMENTS.

60. **\*Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state whether all the Departments of the Government of India have taken steps to insert in their forms for contracts to be entered into on behalf of Government, a condition regarding fair wages ?

**The Honourable Sir Muhammad Zafrullah Khan :** I presume the Honourable Member is referring to contracts for works. If so, I may tell him that all contracts for works in charge of the Public Works Department under the Central Government contain a stipulation that the contractor should pay his labourers not less than the wages paid for similar work in the neighbourhood. The State-managed Railways have been instructed and Company-managed Railways have been invited to follow this practice. Contracts in charge of the Military Engineer Services also contain a similar clause. In this connection, I may point out that the Royal Commission on Labour, while making recommendations relating to labour employed on public works, expressed the view that the method adopted elsewhere of a "fair wages clause" could not be applied without modification in India.

**Mr. Manu Subedar :** What is the position with regard to contracts for the purchase of articles ? Is it intended to insert this "fair wages clause" there also.

**The Honourable Sir Muhammad Zafrullah Khan :** I do not see how that can be done, but if the Honourable Member will put down a question I will try to give him an answer.

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†61. **\*Mr. N. M. Joshi :** Will the Honourable the Leader of the House be pleased to state :

- (a) whether the final form of the Instrument of Accession has been forwarded to the Rulers of the Indian States ;
- (b) whether he is prepared to take steps to publish for the information of the public a copy of the general conditions in the Instrument of Accession in its final form ; and
- (c) if not, why not ?

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†For answer to this question, see answer to question No. 39.

**STATEMENT MADE IN THE HOUSE OF COMMONS BY LORD STANLEY REGARDING  
THE CREATION OF NEW PROVINCES.**

62. **\*Mr. K. Santhanam :** Will the Honourable the Leader of the House be pleased to state :

- (a) whether the Government of India were consulted with reference to the statement made in the House of Commons by Lord Stanley on the 2nd May, 1938, regarding the creation of new Provinces ;
- (b) whether they are aware that the Madras Legislative Assembly has recommended the division of the Province into linguistic provinces ; and
- (c) whether they are aware that the reply given by Lord Stanley has created much resentment in several parts of the Madras Presidency ?

**The Honourable Sir Muhammad Zafrullah Khan :** With your permission, Sir, I will make a brief statement in regard to the question of the creation of new Provinces on a linguistic basis.

In March, 1938, the Madras Legislative Assembly and the Madras Legislative Council passed resolutions in the following terms :

“ This <sup>Assembly</sup> ~~Council~~ recommends to the Government that the view of this Chamber of the Legislature of Madras be communicated under section 290 of the Government of India Act, 1935, to His Majesty in Council that steps may be taken as early as possible for the constitution of separate provinces so as to place under separate autonomous provincial administrations the areas wherein the language predominantly spoken is respectively Tamil, Telugu, Kannada and Malayalam.”

The Government of Madras forwarded copies of the resolutions together with the debates to the Government of India and requested that they may be transmitted to the Secretary of State. The Provincial Government stated in their letter that, in all the circumstances, they were of the opinion that the demand for the constitution of separate Provincial administrations on a linguistic basis should be conceded.

In accordance with the procedure laid down in section 290 of the Government of India Act, 1935, the initiative in the matter rests with the Crown.

A copy of the Madras Government's letter and of the resolutions passed by the Chambers of the Madras Legislature were accordingly forwarded to the Secretary of State. Since then, an occasion arose as a result of a question in the House of Commons to define the attitude of His Majesty's Government towards the demand for the creation of new provinces. I shall read out the question and the reply given by the Under Secretary of State on the 2nd May for the information of the Honourable Member :

**Mr. Cary,**—To ask the Under Secretary of State for India, whether he is aware that in more than one province the creation of new provinces is being urged ; and whether he can indicate the attitude of His Majesty's Government in relation to this matter.

*Lord Stanley*,—Yes, Sir. In reply to the second part of the question, I would remind my honourable Friend that under the Government of India Act, 1935, the initiative in the matter of the creation of new Provinces rests with the Crown. I would also invite his attention to the observations of my right honourable Friend the Home Secretary when this provision of the Act, then clause 272 of the Bill, was under discussion on 9th April, 1935. My Noble Friend is in full accord with his predecessor in this matter and would not regard it as in the interests of India to embark upon a policy of creating new Provinces at the present time.

The Government of India also received in July copies of resolutions adopted by the Bombay Legislative Council and Legislative Assembly on the subject of the creation of a separate Karnataka province. These together with the provincial Government's letter have also been forwarded to the Secretary of State. The policy defined by His Majesty's Government in the reply given in Parliament quoted above will apply to this case also.

**Mr. K. Santhanam** : Sir, the answer does not deal with my question.

**Mr. President** (The Honourable Sir Abdur Rahim) : It was a long answer ; I do not know if the Honourable Member was able to follow it.

**Mr. K. Santhanam** : I have followed it very carefully. In part (a) of my question I wanted to know whether the Government of India were consulted with reference to the statement made in the House of Commons, and no reply has been given to that.

**The Honourable Sir Muhammad Zafrullah Khan** : I am unable to make a statement on that.

**Mr. K. Santhanam** : It is a question of simple fact, whether they were consulted or not.

**The Honourable Sir Muhammad Zafrullah Khan** : It is not the policy of the Government of India, to disclose the substance or the fact of consultation with the Secretary of State.

**Mr. S. Satyamurti** : Sir, on a point of order. According to the Standing Order, it is only when there is a "controversy" between the Secretary of State and the Government of India, that they cannot give any information. But I submit that according to rule they can in no circumstances, unless of course there is a controversy of opinion between them and the Secretary of State, refuse to disclose whether they were consulted or not. They are of course entitled to use their pet phrase "public interest" and refuse to give information ; that is a different matter. But I do not think, Sir, that either you or the House will acquiesce in this position taken up by the Leader of the House that in all matters of correspondence between the Secretary of State and the Government of India, they will refuse to reply, unless it is a matter of "controversy" which is the word used in the Standing Order.

**Mr. President** (The Honourable Sir Abdur Rahim) : I do not know whether the Honourable Member who has raised the point of order wants the Chair to give a direction to the Member of Government how to answer

a question like that. If that is the intention of the Honourable Member, I am afraid the Chair is not in a position to give any such direction. If the Honourable Member of the Government is not in a position to give an answer to a question like this, and he will not do it, then I am afraid the Chair has no initiative in the matter and must leave it to the discretion of the Government whether they should answer such a question or not.

**The Honourable Sir Muhammad Zafrullah Khan :** May I state that 12 Noon. ordinarily—the Honourable Member said “under no circumstances whatever”—the view of the Government is that ordinarily it is not in the public interest to disclose whether there has or has not been consultation between the Secretary of State and the Government of India over a particular matter, and if there has been consultation, what was the subject matter of the consultation.

**Mr. S. Satyamurti :** If I may say so, I respectfully agree with you, Sir, that it is not the duty of the Chair to give a direction to the Government to answer a question, but we have got this rule—rule 9 at page 84 of the Manual—which says :

“In matters which are or have been the subject of controversy between the Governor General in Council and the Secretary of State or a Local Government no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.”

This rule is made with reference to matters which are in correspondence between the Government of India on the one hand and the Secretary of State or a Local Government on the other : and it says that even in matters of controversy a question may be asked with regard to matters of fact : this is a matter of fact : we do not want to know what the Government of India said. My friend, Mr. Santhanam, merely wants to know whether they were actually consulted. I can understand a refusal to answer on the ground of public interest ; but to claim that ordinarily the Government of India will refuse to answer all questions concerning matters of correspondence between the Secretary of State and themselves, even in matters of fact is, I submit, against the letter and spirit of the rule and therefore I ask for your ruling that they should normally be answered except when they claim protection on the ground of public interest.

**Mr. President** (The Honourable Sir Abdur Rahim) : As regards Rule 9 (I do not know if there is any other rule bearing on the point), as the question did not disclose any matter of controversy I admitted the question ; but it is still for the Government to exercise their proper discretion whether they should answer a question or not. I quite agree with the Honourable Member who raised this point of order that ordinarily there ought to be no difficulty on the part of Government to answer a question like that ; and certainly rule 9 does not preclude the Government from answering a question except when the question relates to any matter of controversy, and if any such question is put then the answer would be confined to a statement of facts.

**Mr. S. Satyamurti :** May I then ask whether the Government of India were consulted by the Secretary of State before he gave the answer in the House of Commons, to which my Honourable friend referred ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have given a reply.

**Mr. S. Satyamurti :** You have not given any reply.

**The Honourable Sir Muhammad Zafrullah Khan :** I have said that I am unable to make a statement.

(b) WRITTEN ANSWERS.

ARCHÆOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

63. \***Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether Leonard Woolley has been invited to visit this country next winter ;
- (b) the nature of the work he is expected to do ;
- (c) whether the present officials in the Archæological Department could not do that work ; and
- (d) the estimated cost of the visit ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) I would invite the Honourable Member's attention to the Press Communiqué issued by Government on the subject on the 16th June, 1938.

(c) Government consider that Sir Woolley's experience will be of value to the officers of Archæological Survey of India. No reflection on the competence of the officers is intended or implied.

(d) About Rs. 25,000.

ASSISTANCE TO SMALL INDIAN INDUSTRIES.

64. \***Mr. Sham Lal :** (a) Will the Honourable Member for Commerce be pleased to state the reasons why Government have suspended the departmental inquiry in regard to assistance to small Indian industries ?

(b) How are small industries intended to be assisted in these days of great competition with foreign countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I would refer the Honourable Member to the Commerce Department Press Communiqué, dated the 3rd November, 1937, and to the answers given by Mr. Dow on the 1st February, 1938, to Mr. Avinashilingam Chettiar's starred question No. 41 and its supplementaries.

(b) The reasons given in the Press Communiqué still hold good generally, but, as is stated therein, Government will continue to watch the situation carefully and will be prepared to give special attention to the needs of any industry that may be adversely affected.

CONCLUSION OF A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

65. \***Mr. Sham Lal :** Will the Honourable Member for Commerce be pleased to state :

- (a) whether it is a fact that Indian businessmen suffer from difficulties in the United States of America ;



- (b) whether it is a fact that there is a Trade Commissioner working on behalf of India in the United States of America to strengthen trade relations ;
- (c) if so, whether it is one of the duties of the Trade Commissioner to have a separate treaty negotiated with that country ; and
- (d) if not, whether Government propose to take any steps in this direction ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Yes. An Indian Trade Commissioner has recently been appointed in New York.

(c) No.

(d) The matter is at present receiving the attention of the Government of India in consultation with His Majesty's Government in the United Kingdom.

#### PROHIBITION ON ADVERTISEMENTS OF INDIAN MEDICINES FOR VENEREAL DISEASES IN GREAT BRITAIN.

66. **\*Mr. Sham Lal :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that practitioners of various systems of medicines prevalent in India are not allowed to advertise their preparations about venereal diseases in Great Britain through the press and posters ;
- (b) if so, whether Indian newspapers and journals advertising such medicines reach the public in Great Britain ; and
- (c) if so, how these restrictions are being enforced ?

**Sir Girja Shankar Bajpai :** (a) Under the British Venereal Disease Act, 1917, it is a penal offence :

- (i) to treat or offer to treat by any advertisement or public notice or announcement any person for venereal disease or prescribe or offer to prescribe any remedy therefor ;
- (ii) to advertise in any way any preparation or substance of any kind as a medicine for the prevention, cure or relief of venereal disease.

(b) Government have no information.

(c) Presumably by the operation of the penal provisions of the said Act.

#### ELECTIONS UNDER THE INDIAN TEA CONTROL ACT, 1938.

67. **\*Mr. Brojendra Narayan Chaudhury :** With regard to Department of Commerce Notification, dated Simla, the 30th June, 1938, No. 213 (2)-Tr. (I.E.R.)/38, issued under sub-section (1) of section 4 of the Indian Tea Control Act, 1938, will the Honourable Member for Commerce please state :

- (a) if any notice was issued, asking the intending candidates to be elected under section 3 (1) (b), (e) and (f) of that Act to file nomination paper ;

- (b) if the Indian owners as voters were asked to vote ;
- (c) which is the precise ' authority ' or ' body ' which failed to nominate or select under section 4 (1) ;
- (d) if Government prescribed the manner of elections ; if so, what are the rules ; and
- (e) if Government appointed anybody to conduct the elections ; if so, who is that authority ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (e). The attention of the Honourable Member is invited to the Press Communiqué issued on the 15th July, 1938, on this subject, copies of which are in the Library.

The Indian Tea Control Act (Electoral) Rules, 1938, have since been issued in the Gazette of India of the 23rd July, 1938, and steps have already been taken to consult the electorates.

#### UTILISATION OF UNOCCUPIED HOURS OF OFFICIAL DAYS OF THE LEGISLATIVE ASSEMBLY FOR NON-OFFICIAL BUSINESS.

68. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Leader of the House please state :

- (a) the total number of hours during which this Assembly sat on official days during the last Session to conduct business (exclusive of interpellation hour) and the number of official days ;
- (b) if it is a fact that on many a day there was no business on the agenda to occupy the House till 5 P.M. ;
- (c) if there was such loss of time on non-official days ;
- (d) the steps proposed to keep the House fully occupied in future ;
- (e) if he is prepared to consider the suggestion that the rules be amended so that unoccupied hours on official days may be utilised for non-official business ; and
- (f) the number of official days required to transact the business actually done during last session and the financial loss to Government due to prolongation of the session by short hours working ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The number of official days was 36 excluding three days on which meetings were cancelled and one day which was devoted to Mr. B. Das's Child Marriage Restraint (Amendment) Bill. A calculation of the number of hours devoted to official business would involve an amount of labour disproportionate to the value of the result.

(b) The House rose by lunch time on ten days and somewhat earlier than the usual hour on four other days.

(c) No.

(d) Government have always made and will continue to make every effort so to arrange the programme of a Session as to minimise the risk of the House being at any time insufficiently occupied. The circumstances of the last Delhi Session were wholly exceptional and do not establish the necessity for any special action.

(e) No.

(f) The Honourable Member apparently assumes that from the fact that the Assembly disposed of the official business of the Session in X hours it follows that, so far as official business was concerned, the Session could have been reduced to the number of days resulting from the division of X by the number of hours in a normal working day. This assumption is entirely erroneous. If it had been possible to foresee the rapidity with which the Assembly disposed of the official business falling to be transacted before the House embarked upon budget business it would have been possible to open the Session a week later but this could not be foreseen. Absence of the usual volume of work in the later part of the Session was due exclusively to the fact that the House disposed of all stages of the general budget including the Finance Bill in one full and three fractional days in lieu of the normal 14 full days. It was impossible to use the time saved with the effect of shortening the duration of the Session because the Motor Vehicles Bill and the Income-tax Amendment Bill, the reference of which to Select Committee formed an essential part of the business of the Session, were not and could not have been ready for introduction before the date on which they were actually introduced. It follows that the Honourable Member's question does not arise.

#### LEGISLATIVE ASSEMBLY ELECTORAL RULES.

69. **\*Mr. Brojendra Narayan Chaudhury** : Will the Honourable the Leader of the House please state :

- (a) if there is any edition of " The Legislative Assembly Electoral Rules " after the publication corrected up to the 1st September, 1926 ;
- (b) if any Resolution has been passed by the Legislative Assembly as contemplated in the second proviso to rule 22 ; if so, when ; and
- (c) if the necessary correction slip has been issued in case such Resolution has been passed after 1st September, 1926 ?

**Mr. J. Bartley** : (a) No, but a new edition of the publication entitled " Legislative Assembly Electoral Rules and Regulations " corrected upto the 25th August, 1934, was issued in that year.

(b) Yes, on the 1st September, 1926. But I may inform the Honourable Member that the amendments made on the 1st April, 1937, omitted both the substantive clause imposing the sex disqualification and the proviso enabling it to be removed by Resolution.

(c) A correction slip to the 1924 edition of the publication entitled " Legislative Assembly Electoral Rules and Regulations " inserting the regulations made in pursuance of the Resolution of the Assembly was duly issued and the Regulations were duly issued and the regulations were

duly reproduced in the 1934 edition of that publication. No amendment of the rules being involved, no question of issuing a correction slip to the publication entitled "Legislative Assembly Electoral Rules" arose but I may inform the Honourable Member that the publication in question has not been kept up to date by the issue of correction slips.

#### COLLECTIONS OF STATISTICS OF UNEMPLOYMENT IN INDUSTRIES.

70. **\*Prof. N. G. Ranga** : Will the Honourable Member for Commerce and Labour be pleased to state :

- (a) whether Government had asked for the views of the Provincial Governments on the subject of a proposed Central legislation regarding compilation of statistics for industrial employment ;
- (b) whether Government have received the views of any Provincial Government ; and if so, whether any of the Governments have expressed their opposition to such legislation ; and
- (c) Government's future policy regarding this legislation ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Yes.

(b) The views of all the Provincial Governments have been received. None has opposed legislation.

(c) I invite the attention of the Honourable Member to the answer I have just given to Mr. N. M. Joshi's question No. 59.

#### WORKING IN THE MANGANESE MINES IN THE CENTRAL PROVINCES AND IN THE KHEWRA MINES.

71. **\*Prof. N. G. Ranga** : Will the Honourable Member for Commerce and Labour be pleased to state :

- (a) whether, in view of the renewed working of the Manganese mines in the Central Provinces, the Central Government have advised the Central Provinces Government to take immediate steps to apprise the workers of the repeal of the Workmen's Breach of Contract Act (XIII of 1859) ; and
- (b) what the average daily hours of work in the Khewra mines are ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The matter primarily concerns the Government of the Central Provinces. It was suggested to that Government in 1933 that action should be taken by their officers on the recommendation of the Royal Commission on Labour to which the question apparently refers.

(b) The information is not available, but figures showing the average hours worked per week in each important mining field in British India are given in the annual report of the Chief Inspector of Mines in India, a copy of which is available in the Library of the House.

**APPOINTMENT OF A DIRECTOR FOR THE PROPOSED CENTRAL DAIRY RESEARCH INSTITUTE.**

**72. \*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Secretary for Education, Health and Lands please state if Government intend to appoint a Director for the proposed Central Dairy Research Institute ?

(b) If so, what steps, if any, have Government taken in that connection so far ?

(c) Has the post been advertised ?

(d) Do Government propose to consider the desirability of appointing an Indian to this post ?

**Sir Girja Shankar Bajpai :** (a) Government have decided to appoint a Director of Dairy Research.

(b) and (c). Advertisements asking for applications for the post are expected to issue shortly.

(d) I would invite the Honourable Member's attention to the assurance given in reply to parts (d) and (e) of Mr. Manu Subedar's starred question No. 614 on the 3rd March, 1938.

**ENLARGEMENT OF THE IMPERIAL DAIRY INSTITUTE AND ESTABLISHMENT OF A CENTRAL DAIRY RESEARCH INSTITUTE.**

**73. \*Pandit Sri Krishna Dutta Paliwal :** Will the Secretary for Education, Health and Lands please state :

(a) whether it is a fact that the Imperial Council of Agricultural Research secured the Government's approval and provision of funds to the extent of six lakhs for a scheme for the enlargement of the existing Imperial Dairy Institute at Bangalore and the Anand sub-station ; and

(b) whether Government intend to leave the question of establishing a Central Dairy Research Institute, or enlarging the existing Imperial Dairy Institute at Bangalore and the Anand sub-station, to the Imperial Council of Agricultural Research ?

**Sir Girja Shankar Bajpai :** (a) No. The scheme to which the Honourable Member refers, and which was approved by the Government of India in 1936, was a Central Government scheme and not an Imperial Council of Agricultural Research scheme. It has since been held in abeyance.

(b) No.

**RESOLUTIONS OF THE GOVERNING BODY OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.**

**74. \*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Secretary for Education, Health and Lands kindly state if the attention of Government has been drawn to the following three resolutions of the Governing Body of the Imperial Council of Agricultural Research :

1. This meeting of the Governing Body of the Imperial Council of Agricultural Research requests the Government of India to grant at least Rs. 25 lakhs per annum for agricultural research.
2. The Governing Body of the Imperial Council of Agricultural Research is of opinion that the Council should have full power over the appointment and terms of service of its own staff and Secretariat, and the money now provided by the Government of India for defraying the cost of staff and secretariat should be placed at the disposal and under the control of the Council so that any savings effected under this head may be applied towards the promotion and furtherance of the objects of the Council.
3. In view of the importance they attach to dairy research, to the production and handling of milk in India, and their desire that the fullest efficiency should be secured, the Governing Body hope that before the final location of any Central Dairy Research Institute which may be set up in future, is determined, the Provincial Governments and this Council will be consulted and given an opportunity of expressing their opinion on the proposals as a whole ;

(b) if so, what steps, if any, do Government propose to take as regards those resolutions ?

**Sir Girja Shankar Bajpai :** (a) and (b). Government have not yet received copies of the Resolutions of the Governing Body of Imperial Council of Agricultural Research, passed at its last meeting, to which presumably the Honourable Member refers. In any case, the proceedings of the Council are confidential, except to the extent that the Council itself may desire to give them publicity.

**BAN ON THE EMIGRATION OF INDIANS TO CEYLON.**

**75. \*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the following news published in the *Daily Sainik* of Agra, in its issue of 13th July, 1938, on page 4 :

“ The Ceylon Planters' Association has requested the Home Government to remove the ban on emigration of Indians to Ceylon ” ?

(b) Has any communication been received from the Ceylon Government announcing the withdrawal of ban against the emigration of Indians to Ceylon ? If so, will Government please place the same on the table ?

**Sir Girja Shankar Bajpai :** (a) No.

(b) The Honourable Member is under a misapprehension. The ban on recruitment of Indian labour for Ceylon was placed by the Government of India and not by the Government of Ceylon.

#### SAFEGUARDING OF THE INTERESTS OF INDIANS IN FIJI.

76. \***Pandit Sri Krishna Dutta Paliwal :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the leading article in the *Daily Arjun*, dated the 15th July, 1938, under the caption " Possibility of annihilation of Indians in Fiji ", in which the following observations are made :

" The position of Indians in Fiji is so strong that no excuse can be allowed to do injustice to them. The present generation of Indians was born in Fiji and therefore Indians have the same right on Fijian soil as Fijians. If steps are not taken to save Indians from their complete destruction, the consequences will be grave. It is therefore the duty of the Government of India to avert the crisis."

(b) Will Government be pleased to state the steps taken so far to safeguard the interests of Indians in Fiji ?

(c) Have Government received any representation from the Indians in Fiji ?

(d) What steps, if any, do Government intend to take to safeguard the interests of Indians in Fiji ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) to (d). According to my reading, the article referred to by the Honourable Member deals with two grievances, (i) alleged refusal of the Fiji Government to renew country retail stores licences to Indians, and (ii) difficulties of Indian agriculturists in getting their leases of native lands renewed. Government have received representations on both subjects. As regards (i), they have been informed that the matter has been amicably settled. The subject matter of (ii) is engaging the attention of Government.

#### STAFF OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

77. \***Mr. K. Santhanam :** Will the Honourable the Leader of the House be pleased to state the staff of the Assembly Department and the respective salaries ?

**The Honourable Sir Muhammad Zafrullah Khan :** A statement is laid on the table.

*Statement showing the designation, number and grades of pay of the officers and ministerial staff employed in the Legislative Assembly Department.*

Class of post.	No. of posts in class.	Pay.
Secretary .. .. .	1	Rs. 2,500—75—3,250.
Deputy Secretary .. .. .	1	Rs. 1,300—50—1,700.
Assistant Secretary .. .. .	1	Rs. 1,000—50—1,250.
Superintendent .. .. .	2	Rs. 600—40—800.
Council Reporter .. .. .	8	Rs. 450—25—750.
Assistant—Upper Time Scale .. .. .	3	Rs. 375—25—500.
Assistant .. .. .	14	Rs. 200—15—365 (Efficiency bar) 380—15—500.
Assistant (new scale) .. .. .	1	Rs. 140—10—280 (Efficiency bar)—10—310—15—400.
Clerk—Special Grade .. .. .	1	Rs. 300—25—350.
Clerk—Second Division .. .. .	20	Rs. 100—8—172 (Efficiency bar) 180—8—300.
Clerk—Routine Division .. .. .	3	Rs. 60—2—80—3—125. (Efficiency bar after 95).
Translator .. .. .	1	Rs. 125—10—325.
Stenographer .. .. .	2	Rs. 175—12½—300 (Efficiency bar) 312½—375—15—450—25—500.
Senior Assistant to the Watch and Ward Officer	1	Rs. 80—4—120—5—200. (Efficiency bar after 125).
Junior Assistant to the Watch and Ward Officer	6	Rs. 60—3—90—4—150. (Efficiency bar after 110).

#### PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON SUGAR INDUSTRY.

78. **\*Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state when Government intend to publish the report of the Tariff Board on sugar industry ?

(b) Has the Tariff Board recommended greater protection than is in existence now, either directly or indirectly by the reduction of the excise duty ?

(c) Are Government aware of the great discontent amongst the sugar manufacturers in the country owing to the uncertainties of the trend of their future policy ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The Honourable Member is referred to the answer given on the 4th February, 1938, to Mr. T. S. Avinashilingam Chettiar's starred question No. 134 and supplementaries. The Report is still under consideration.

(b) Government are not prepared at this stage to disclose the nature of any of the recommendations made by the Tariff Board.



(c) Representations to that effect have been received from certain commercial bodies.

**POSSIBILITY OF RUNNING MOTOR VEHICLES BY MEANS OF DIESEL OIL.**

79. \***Mr. Manu Subedar** : (a) Will the Honourable the Commerce Member please state whether Government have noticed a report on the possibility of running Diesel motor from soya bean and other vegetable oils for the United Kingdom as a defence measure, providing against the possible shortage of petrol during war ?

(b) Do Government intend to secure a report on this subject from the Industrial Research Bureau ?

(c) Have Government got any Diesel lorries in the Defence or any other Department, on which these experiments could be made in order to find specific results as to the behaviour of such oil for the purpose of driving ?

(d) Have Government considered the bearing of this matter at all with regard to the question of motor fuel in India ?

(e) If the answer to part (d) be in the affirmative, in which Department and how ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) No such report has been brought to the notice of Government.

(b), (c), (d) and (e). Experiments are being made at the Government Test House, Alipore, under the control of the Industrial Research Bureau on the practicability of using the commoner vegetable oils of India as fuels and lubricants in internal combustion engines. An Eight H. P. Lister Diesel Engine and a Morris Commercial 4 Cylinder 15 H. P. Petrol Engine have been installed at the Test House for carrying out practical tests.

An account of the work already done on the investigation has been published in the Annual Reports of the Bureau for the years 1936-37 and 1937-38, copies of which are available in the Library of the House.

**REPORT OF THE COMMITTEE ON THE POSSIBILITIES OF PRODUCTION OF POWER-ALCOHOL FROM MOLASSES.**

80. \***Mr. Manu Subedar** : (a) Will the Honourable the Commerce Member please state whether Government propose to make available to Members of the Assembly a copy of the report of the Committee in the United Provinces on the possibilities of the manufacture of power alcohol from molasses in this country ?

(b) Have Government reached any conclusions on this subject ?

(c) What form will the encouragement of this industry for the production of power alcohol take ?

**Sir Girja Shankar Bajpai** : (a) Government have not yet received a copy of the Report.

(b) and (c). Do not arise.

**EXPENSES INCURRED IN CONNECTION WITH THE NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT AND VISIT OF LANCASHIRE DELEGATION TO INDIA.**

81. **\*Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether Government will give an estimate of the cost of officials' and non-officials' allowances and travelling and other expenses incurred in connection with the Indo-British trade negotiations, including the substantive salaries of the officials engaged on the work from the beginning of the negotiations up to the nearest date available ?

(b) What portion of the expenses incurred by the Lancashire non-official delegation, who visited this country, was incurred by Government ?

(c) Did the non-official delegation from Lancashire come in response to an invitation from the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I lay on the table a statement giving the required information.

(b) Rs. 428 only.

(c) Yes, Sir.

*Statement showing the expenditure incurred in connection with the Indo-British Trade Negotiations, including the salaries of officials placed on Special Duty for these negotiations.*

IN INDIA.

					Rs.
1936-37	..	..	..	..	6,442
1937-38	..	..	..	..	27,411
From 1st April, 1938	..	..	..	..	14,840 (latest figures available).
Total	..	..	..	..	48,693

IN ENGLAND.

Year ended 31st March, 1938	..	£13,561	11	5
1st April to 26th July, 1938	..	£2,075	9	6
Total	..	£15,637	0	11 or Rs. 2,08,494.
Total for India and England	..	2,57,187	0	0

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†82. **\*Mr. Manu Subedar :** Will the Honourable the Law Member state :

(a) whether the revised Instrument of Accession embodying the demands of the Indian Princes has been drafted ;

(b) what is the reason causing the delay in sending this out to the Indian States ; and

†For answer to this question, see answer to question No. 39.

- (c) what is the approximate time when it is intended to have this sent out ?

SECURING OF FREEDOM OF NATIONAL ECONOMIC POLICY FOR INDIA.

83. \***Mr. S. Satyamurti** : Will the Honourable the Commerce Member please state :

- (a) whether Government have perused the resolutions passed at a meeting of the Committee of the Federation of Indian Chambers of Commerce and Industry held at Bombay on 25th June, 1938, demanding *inter alia* that the Government of India Act should be amended, so as not to militate against India's ability to lay down its own national economic policy ;
- (b) whether Government have taken, or propose to take, any action thereon : and if so, what that action is ; if not, why not ; and
- (c) whether Government have taken, or propose to take, any action under section 118 of the Government of India Act, 1935, and if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). Government have seen the resolution regarding commercial safeguards passed by the Federation at their meeting held on the 25th June, 1938. They have also received a letter on the subject from the Federation which is under their consideration.

(c) The convention referred to in section 118 (1) of the Government of India Act, 1935, can be made only after the establishment of Federation and it is, therefore, not possible for the Government of India to take any action now.

INDIA'S DELEGATION TO THE LEAGUE OF NATIONS.

84. \***Mr. S. Satyamurti** : Will the Honourable the Law Member please state :

- (a) on what principles the delegation to the next Assembly of the League of Nations was selected :
- (b) whether any terms of reference or instructions have been given to them, especially in regard to the proposed recognition of the Italian conquest of Abyssinia, the question of non-intervention in Spain, and the Japanese war against China ;
- (c) whether they have been specifically instructed to vote with His Majesty's Government in the League on all or any of the matter coming before the League ;
- (d) if so, the reasons for it ;
- (e) whether Government will place on the table of the House any instructions given or proposed to be given to this delegation to the League of Nations on behalf of India ?

**The Honourable Sir Manmatha Nath Mukerji :** (a) On the principle that the Delegation should be composed of the most suitable persons available.

(b) The delegates will, in due course, receive instructions on all matters included in the agenda. The specific questions mentioned by the Honourable Member do not figure on the agenda and no occasion to issue instructions with reference thereto is anticipated.

(c) No.

(d) Does not arise. But I may inform the Honourable Member that in the event of its becoming necessary to issue instructions on questions of foreign affairs likely to effect the relations of the British Empire with other countries the delegates would be instructed to act in accord with the United Kingdom delegation whose instructions in such matters would as usual take account of the interests of India as of other parts of the Empire.

(e) No.

#### APPOINTMENT OF MR. JOHN SARGENT AS EDUCATIONAL COMMISSIONER OF THE GOVERNMENT OF INDIA.

85. **\*Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

- (a) the reasons for appointing Mr. John Sargent, Director of Education, County of Essex, as Educational Commissioner of the Government of India ;
- (b) what his experience and qualifications are ;
- (c) whether he has any knowledge of Indian educational conditions or requirements ;
- (d) the terms of conditions and the period for which he has been appointed ;
- (e) whether there was no Indian available for that post, and if so, how Government came to that conclusion ;
- (f) whether Government propose to impose as one of the conditions of his appointment that he should train an Indian or Indians to take his post at the end of his period of office ; and
- (g) if not, why not ?

**Sir Girja Shankar Bajpai :** (a) and (b). The Honourable Member is referred to the Press Communiqué, dated the 20th June, 1938, on the subject, a copy of which is available in the Library of the House.

(c) So far as Government are aware, Mr. Sargent has at present no knowledge of Indian educational conditions or requirements. This was not considered necessary as the main purpose of the appointment is to place at the disposal of those familiar with Indian conditions, first-hand knowledge of what has been done in the domain of technical and vocational education elsewhere, so that this can be adapted to Indian requirements.

(d) A statement is laid on the table.

(e) The Government of India carefully examined the possibility of selecting an Indian for the post. Considering its functions, it was essential to choose a person who had wide and varied experience of a system of education based, in the elementary stages, on training through activity and adequately equipped with facilities for vocational and technical education. They were reluctantly forced to the conclusion that no Indian possessing these qualifications was at present available in India.

(f) and (g). As has already been indicated, Mr. Sargent's special experience will be at the disposal of the Central Advisory Board of Education and the Provinces. It is hoped that through these contacts, he should be able to give many Indian officers insight into the principles and methods on which the problem of educational reconstruction has been practically tackled elsewhere. That combined with the practical experience of reconstruction which educational officers will acquire in the Provinces during the next few years should, in the opinion of the Government of India, suffice to provide an adequate field of choice to fill the next vacancy in the post of Educational Commissioner. The Honourable Member may rest assured that Mr. Sargent's experience will be ungrudgingly placed at the disposal of Provincial Ministers and their officers. An express provision to this effect in his contract is not considered necessary.

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*Statement.*

The terms and conditions of Mr. Sargent's appointment are as follows :

- (i) Pay—Rs. 3,000 a month ;
  - (ii) Overseas pay—£13-6s.-8d. a month ;
  - (iii) Benefits of the Contributory Provident Fund, Government contributing one-twelfth of his salary, if he contributes an equal amount ;
  - (iv) Leave in accordance with the model leave terms sanctioned for officers on contract ;
  - (v) Period of appointment—five years ;
  - (vi) First Class " B " passages for himself and his family at the beginning and at the end of his term of office.
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REPATRIATION OF INDIAN LABOURERS FROM CERTAIN COLONIES.

86. **\*Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands be pleased to state the number of Indian labourers who were repatriated from Burma, Malaya, Fiji and Ceylon, to India via Madras and other Indian ports, since April, 1938, up to date ?

(b) Why were they repatriated ?

(c) Who bore the expenses of repatriation ?

**Sir Girja Shankar Bajpai :** (a) The figures for Malaya, Fiji and Ceylon are :

Malaya—7,800 ; Fiji—195 ; Ceylon—820. There is no State-aided repatriation from Burma.

(b) Assisted emigrants to Malaya and Ceylon are entitled to a free return passage to India on certain conditions and the Indian labourers who have returned to this country did so of their own option. As regards Fiji, *ex-indentured* Indian labourers are entitled to a free or assisted passage to return to India whenever they choose to avail themselves of it.

(c) The Government of the Colonies concerned.

CERTAIN SUPERIOR APPOINTMENTS IN THE IMPERIAL COUNCIL OF  
AGRICULTURAL RESEARCH.

87. **\*Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether Sir Bryce Burt, the Vice-Chairman of the Imperial Council of Agricultural Research Institute, is still officiating, or has been confirmed, in the post ?

(b) Has Mr. N. C. Mehta, the Secretary of the Council, reverted to the Province from which he came and, if so, why ?

(c) Has anybody been appointed as " Sugar Entomologist ", or is the appointment still under consideration ?

**Sir Girja Shankar Bajpai :** (a) Sir Bryce Burt continues to officiate in the post.

(b) Yes ; on the expiry of the normal tenure of the appointment.

(c) No such appointment has been made nor is one contemplated at present.

EXTENSION GIVEN TO THE CHIEF CONTROLLER OF STORES.

88. **\*Mr. Badri Dutt Pande :** Will the Honourable the Commerce Member be pleased to state the circumstances that led to the decision to give another extension to the term of office of the Chief Controller of Stores in India ?

(b) How many years of service has the present incumbent put in ?

(c) How many extensions have so far been allowed to him and for what reasons ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (c). Sir James Pitkeathly, Chief Controller of Stores, Indian Stores Department, has been granted a second extension of service for one year with effect from the 10th November, 1938, in the public interest.

(b) He has been in Government service since the 1st October, 1909, and has held his present post since the 1st January, 1922.

REVISED INSTRUMENT OF ACCESSION TO THE FEDERATION.

†88A. **\*Mr. S. Satyamurti :** Will the Honourable the Law Member please state :

(a) whether the final draft of the Instrument of Accession of Princes to the Indian Federation is now ready ;

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†For answer to this question, see answer to question No. 39.

- (b) if not, when it is expected to be ready ;
- (c) if it is a fact that the final draft of the Instrument of Accession will be issued on the return of Lord Linlithgow to India in October this year ;
- (d) whether the main objections of the Princes to Federation are in respect of the administration of federal subjects and finances ;
- (e) whether the States demand that the administration of even Federal subjects should remain in the hands of the States ;
- (f) whether the States are anxious to safeguard themselves in respect of excise and other duties ;
- (g) whether the Indian princes are being persuaded to send their representatives to the Federal Legislature by election ; and
- (h) whether the Government of India have heard from any Prince or Princes recently in respect of this matter ?

### UNSTARRED QUESTIONS AND ANSWERS.

#### DRAFT CONVENTION ON THE HOURS OF WORK FOR MARITIME WORKERS.

2. **Mr. N. M. Joshi** : Will the Honourable Member for Commerce be pleased to state :

- (a) whether in accordance with the statement laid before the Assembly on 1st October, 1937, regarding the draft convention on the hours of work for maritime workers, he has addressed a letter to the various parties concerned ;
- (b) if so, whether their replies have been received ;
- (c) whether he proposes to publish the replies for the information of the public ; and
- (d) what is the decision of Government on the subject ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). Yes, Sir.

- (c) No, Sir. It is not customary to publish such correspondence.
- (d) The matter is still under consideration.

#### CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION CONCERNING LIABILITY OF SHIPOWNER IN CASE OF SICKNESS, ETC., AND SICKNESS INSURANCE FOR SEAMEN.

3. **Mr. N. M. Joshi** : Will the Honourable Member for Commerce be pleased to state :

- (a) whether the Government of India have completed the consideration of the Conventions (International Labour Organisation) concerning liability of the shipowner in case of sickness, etc., and concerning Sickness Insurance for Seamen ; and
- (b) if so, what is their decision ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The question of ratifying the Convention is still under examination and a statement embodying the decisions taken in the matter will shortly be laid before this House.

**RECOMMENDATION OF THE INTERNATIONAL LABOUR ORGANISATION  
CONCERNING SEAMEN'S WELFARE IN PORTS.**

**4. Mr. N. M. Joshi :** Will the Honourable Member for Commerce be pleased to state :

- (a) whether he has received replies from the various parties to whom the Recommendation (International Labour Organisation) concerning Seamen's Welfare in Ports has been referred by him ;
- (b) if so, whether he proposes to publish the correspondence ; and
- (c) what action has been decided upon ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) No, Sir. It is not customary to publish such correspondence.

(c) The matter is still under consideration.

**CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION CONCERNING  
THE MINIMUM AGE OF ADMISSION OF CHILDREN TO EMPLOYMENT AT  
SEA.**

**5. Mr. N. M. Joshi :** Will the Honourable Member for Commerce be pleased to state when in pursuance to his statement laid before the Assembly on 1st October, 1937, on the Conventions (International Labour Organisation) concerning the minimum age of admission of children to employment at Sea, he proposes to introduce legislation regulating the age of employment of children at Sea ?

**The Honourable Sir Muhammad Zafrullah Khan :** The matter is being borne in mind for consideration at the next suitable opportunity.

**MOTIONS FOR ADJOURNMENT.**

**Mr. President** (The Honourable Sir Abdur Rahim) : The next motion for adjournment in the list is in the name.....

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Sir, we cannot hear a word of what you say.

**Mr. President** (The Honourable Sir Abdur Rahim) : Will the Honourable Member try to listen ?

**Mr. K. Ahmed :** When your predecessors presided, Sir, we heard everything : but for the last few years we hear nothing. I cannot hear you at all. You had better raise your voice.



**Mr. President** (The Honourable Sir Abdur Rahim) : The next motion for adjournment is in the name of Mr. Sham Lal.....

**Mr. Sham Lal** (Ambala Division : Non-Muhammadan) : I do not move it.

#### CONDITION OF INDIAN LABOUR IN MALAYA.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next after that is in the name of Mr. Chettiar—to discuss the condition of Indian labour in Malaya and the Government of India's indifference in the matter. I must point out that it is not a definite matter within the meaning of the rule. The Honourable Member only says "the condition of labour in Malaya". It is very general : it may have been going on for a long time and not any recent matter which has cropped up which requires the Government of India's attention.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Will you kindly hear me, Sir ? We have received reports recently that wages have been reduced in Malaya.....

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not mentioned—that is what I am saying. If the Honourable Member wishes to discuss it, the motion must mention it.

**Mr. T. S. Avinashilingam Chettiar** : Will you hear me completely, Sir ? The point I want to impress is this. I am sorry it has not been mentioned in the motion specifically, but this much I can state : there have been questions.....

**Mr. President** (The Honourable Sir Abdur Rahim) : It must be in the notice. I rule that the motion is not in order as the terms of the notice are too general and do not raise any definite matter for discussion.

The next is in the name of Mr. Satyamurti : that is barred. The next one, also in his name, is about the appointment of a non-Indian as the Educational Commissioner.....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : I do not move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next one, also in his name, is to discuss the failure of the Government of India to protest against England's proposal before the Council of the League of Nations to recognise the conquest of Abyssinia by Italy.

**Mr. S. Satyamurti** : I want to move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : It has been disallowed by the Governor General. The next is about the failure of the Government of India to institute a proper inquiry or to take any suitable step as regards the rupee exchange ratio in spite of alarming conditions and facts.

**Mr. S. Satyamurti** : I do not move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next is about the indefinite continuation of Ottawa preferences in favour of the United Kingdom, despite the recent failure of the Indo-British trade talks....

**Mr. S. Satyamurti** : I do not move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next is to discuss the failure of the Government of India to abandon the bombing of the tribal area, as evidenced by the recent statement by the British Premier in the House of Commons.

**Mr. S. Satyamurti** : I want to move it if the Governor General has not disallowed it.

**Mr. President** (The Honourable Sir Abdur Rahim) : It has been so disallowed. The next is to discuss the unsatisfactory composition of the Committee appointed to enquire into XB engines.....

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I am not moving it.

#### RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

**Mr. President** (The Honourable Sir Abdur Rahim) : No. 12,—Action of the Government in passing final orders on some of the recommendations of the Wedgwood Committee despite the Resolutions of the Public Accounts Committee which have been placed before the Assembly, without consulting the Assembly.

**Mr. S. Satyamurti** : I want to move it, Sir. I hope the Governor General has not disallowed that at least.

I will make a brief statement of facts. The Wedgwood Committee, Sir, make certain recommendations about railway management in this country. On that, the Public Accounts Committee made certain recommendations asking the Government not to implement those recommendations. Those recommendations were placed before this House on a date which was allotted with the consent of the Government and in the course of the debate, the then Member in charge, Sir Sultan Ahmad, and others spoke. It was then understood that a further day would be set apart, but somehow it was not given. In the meantime, the Railway Board have passed orders with the consent of the Government of India on some of those recommendations on which the Public Accounts Committee have made specific recommendations that they ought not to be accepted by the Government.....

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the nature of those recommendations ?

**Mr. S. Satyamurti** : For example, the Public Accounts Committee said there should be no Tariff Board Member on the Railway Board. The Government have appointed one, and secondly the new scales of pay which were recommended recently and accepted by the Government were intended to produce economy, and we agreed to those scales. But the Wedgwood Committee said that the new scales of pay did not attract the right type of men, and the Railway Board said : ' We agree, we will have to give to some new entrants increased scales of pay '.

Again they said they wanted to import men for the Commercial Department, and we said 'No' in the Public Accounts Committee. But the Railway Board again said : 'We want men from England'.

**Mr. President** (The Honourable Sir Abdur Rahim) : A number of items ?

**Mr. S. Satyamurti** : Yes.

I do not want the vote of the House or consent of the House on any of these particular matters, but I want the vote of the House on a definite matter of importance, and the subject on which I seek the vote of the House is this,—the action of the Government of India in implementing the recommendations of the Wedgwood Committee's Report, in spite of the recommendations of the Public Accounts Committee to the contrary, which had been placed before this House. These are only a few illustrations. The reason why I seek the vote of the House is this. There are far more dangerous recommendations in the Wedgwood Committee's Report about company management, finance and so and so forth, which will upset the entire policy of the Government. We are afraid that, if we do not censure the Government now, they will go on accepting the Wedgwood Committee's recommendations behind our backs, and it is to prevent them from carrying out those recommendations, that I want this motion to be allowed.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : Sir, in the first place, my objection is based on the ground that it is not a matter of urgency. In the first place, I will call your attention to the fact that on the 25th August last year, almost a year ago, this question was raised, and I read the following extract from the proceedings.

" *Mr. President* (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Satyamurti. He proposes to move the adjournment of the House to consider a definite matter of urgent public importance, namely, the failure of the Government to consult the Assembly before taking steps to implement the recommendations of the Wedgwood Committee's Report.

*Mr. S. Satyamurti* : I do not move this motion. The Government are giving us a day—the next Friday—for discussing this Report."

In other words, this very point of principle which my friend is now trying to make was a point which he raised last year.....

**Mr. S. Satyamurti** : The Government had not then taken any action on the Wedgwood Committee's Report.

**The Honourable Mr. A. G. Clow** : In other words, what he was saying was that Government had failed to consult the Assembly before taking steps.

Then, as regards implementing the recommendations, I have here a long statement showing what action Government took on the recommendations, and this was laid on the table of the House in January last, when it was perfectly open to my friend to bring forward a motion of this character if he thought it was barred by the previous motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : Having heard the facts from both sides, I am afraid.....

**The Honourable Mr. A. G. Clow :** May I correct myself,—it was not placed on the table of the House, but it was placed in the Library.

**Mr. S. Satyamurti :** There is a difference. Our attention was not drawn to it. It was only in the Public Accounts Committee when the railway witnesses came before us, this document came to our notice, and then we knew exactly what action had been taken. I was dumb-founded when my friend said that it was laid on the table of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the practice in this matter,—to place it on the table of the House or in the Library ?

**Mr. S. Satyamurti :** I should respectfully submit that when the matter had been discussed in the House,—it should have been sent to us.

**The Honourable Mr. A. G. Clow :** I am informed by one official and one non-official Member that this was circulated with the Railway Budget.

**Mr. S. Satyamurti :** No, Sir. Let us be sure of the facts.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable Member say that it was circulated with the Railway Budget ?

**The Honourable Mr. A. G. Clow :** I cannot say that from personal knowledge, but I have been informed by two Members of the House, and they believe it was so, but I will let you know.

**Mr. K. Santhanam :** My impression is that this document was circulated only to members of the Standing Finance Committee.

**Mr. President** (The Honourable Sir Abdur Rahim) : I do not know how long it will take to find out what happened.

**The Honourable Mr. A. G. Clow :** I will have the facts before this afternoon or tomorrow morning.

#### PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON SUGAR INDUSTRY.

**Mr. President** (The Honourable Sir Abdur Rahim) : Very well, I will pass on to the next. No. 13,—Inordinate delay on the part of the Government in publishing the Sugar Tariff Board Report in spite of constant requests by Indian public and commercial bodies.

**Mr. S. Satyamurti :** Yes, Sir, I want to move it.

This Report was submitted to the Government more than a year ago, and last year, I think the Finance Member brought forward a Bill to extend the protection to the sugar industry for a year. The industry does not know where it stands. We were hoping that after the Finance Member had got his Bill through for extending its effect for one year, this Report would be published for public criticism. My information is that now the Government do not intend to publish the report till after they have made up their minds as to what action they should take, so as to prevent public opinion from being expressed in time.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the practice in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : The usual practice is to publish the Tariff Board Report setting out what action Government propose to take on that Report ; it is never published before Government have made up their minds as to what action they are going to take. In this case there has been no departure from the previous practice.

**Mr. President** (The Honourable Sir Abdur Rahim) : When was this Report made ?

**The Honourable Sir Muhammad Zafrullah Khan** : I believe it was made in December last.

**Mr. S. Satyamurti** : Yes, but *interim* action has already been taken. My submission is this, that the practice of the Government to publish their Tariff Board Report along with their proposals is not consistent with public interest as we conceive them to be. A judicial or a *quasi-judicial* body is appointed to recommend to Government what protection is to be given to a particular industry, and its recommendations have to come before this House for a vote as to what amount of protection should be given or no protection should be given at all. In order to enable the public to express an opinion to the extent to which this Government can be influenced by any public opinion.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Was any demand for publication been made ?

**Mr. S. Satyamurti** : Yes, the Chambers of Commerce have repeatedly raised this question. The sugar industry have been knocking at the doors of the Government again and again, asking them to publish this Report.

**Mr. President** (The Honourable Sir Abdur Rahim) : In this Assembly ?

**Mr. S. Satyamurti** : Yes, Sir, questions were asked, and we pressed on the Government to publish the Report.

**Mr. President** (The Honourable Sir Abdur Rahim) : What was the answer ?

**Mr. S. Satyamurti** : The answer was they would not publish the Report, until they had come to a conclusion. Then, Sir, it simply means that the Government presents us with a *fait accompli* and says 'you go where you like'. This House should be given an opportunity and the public concerned and the industry concerned should be given an opportunity of pronouncing its opinions so as to influence the Government. If the Government do not want to consult this House, it is their look out but the industry concerned must have an opportunity of presenting their point of view. We want to upset the present practice and it is for the House to decide whether that practice should be upset or not.

**Mr. President** (The Honourable Sir Abdur Rahim) : I understand that the practice has always been to publish such a report along with the opinion of the Government. Mr. Satyamurti contends that this is wrong and that the proper practice ought to be to publish the report first, so that the public may be able to pronounce upon it. This may

[Mr. President.]

be a perfectly legitimate demand on the part of Mr. Satyamurti and others who think alike with him on this matter, but the practice being what it have been described to be by the Honourable the Leader of the House, I do not think the proper procedure to upset it is by means of a motion for adjournment. It ought to be done by a Resolution or in some other way. I, therefore, rule it out of order.

Then, the next motion is also in the name of Mr. Satyamurti, No. 14.

**Mr. S. Satyamurti** : Sir, I do not move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Ayyangar about altering the shilling and the rupee ratio.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I do not move it.

#### INCREASE IN THE INDIAN DEFENCE CHARGES.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Satyamurti, No. 16, about the increase in the Indian Defence charges. Does he wish to move it ?

**Mr. S. Satyamurti** : I very sincerely want to move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is there any objection ?

**The Honourable Sir James Grigg** (Finance Member) : We have no objection.

**Mr. President** (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock.

#### THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

**Sir Abdul Halim Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, I beg to move :

“ That the Bill to control the Coastal Traffic of India, as reported by the Select Committee, be recommitted to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. F. E. James, Dr. G. V. Deshmukh, Mr. B. Das, Mr. Bhulabhai J. Desai, Syed Ghulam Bhik Nairang, Sir Cowasji Jehangir, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Krishna Kant Malaviya, Dr. Sir Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, (and, with your permission, I want to add three more names, namely,) Mr. S. Satyamurti, Mr. C. C. Miller, and Mr. Vencatachelam Chetty....

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : May I suggest one more name, that of Sardar Sant Singh ?

**Sir Abdul Halim Ghuznavi** :

“ ..... Sardar Sant Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five ”

Honourable Members are aware that the notice of this Bill which is before the House was given some time in June, 1935, and for four long years I have been struggling on with it. It was introduced in April, 1936, and the principle of this Bill was accepted by this House on the 2nd September, 1937, when the Bill was referred to a Select Committee. The Select Committee completely redrafted the original Bill with the object of providing a more practical scheme for achieving the object aimed at by the Bill, which is so to control the coastal traffic as to check unfair competition and develop Indian shipping. The Bill was so altered by the Select Committee as to require republication. When I moved for the republication of this Bill on the 31st March, 1938, I did not expect a long speech from Mr. Dow who was then Secretary of the Commerce Department. He made it clear on the floor of the House, to satisfy his kith and kin, the British vested interests, that the Government were against this Bill. He said :

“ I do not rise to oppose the motion for circulation, but to make perfectly clear the attitude of Government with regard to this Bill. Government were wholly opposed to the Bill in its original form, and they are still opposed to it in the form in which it now appears from the Select Committee.”

Four long years have passed, and I have not been able to convince the Government that the time had come when they ought to have brought in a comprehensive Bill of their own, instead of leaving it to a private Member of this House, but they would do nothing of the kind. Their attitude throughout has been one of antagonism and not of co-operation. Mr. Dow then said :

“ Indeed, if Honourable Members will refer to the Minutes of Dissent, they will find that the majority, something like 17 out of 19 members of the Select Committee, seem to dislike it even more strongly themselves.”

This is wholly incorrect. From the Select Committee's report it will be seen that four persons were opposed to this Bill, two members of the Government and two members of the European Group. The rest have all supported the Bill. The only point was that they wanted something more than what the Bill provided. They said that the coastal traffic ought to be reserved for the nationals, but as it could not be done under the present Government of India Act, and further because the Government were not prepared to bring in a more comprehensive Bill, they were prepared to support my Bill on the principle that something was better than nothing. They further desired the Bill to be circulated for eliciting public opinion inasmuch as the subject-matter was somewhat technical and complex. Sir, Mr. Dow thought that the best way to kill this Bill would be by recirculation. He said :

“ However, as I already said, I support the motion for circulation. Publicity, Sir, is the best way to kill a Bill of this kind, and I have little doubt that before the House meets again, Sir Abdul Halim Ghuznavi's child will be found to be dead from exposure.”

Sir, I will later on deal with this dead child, but I will say one thing, and that is, I shall refer the House to what my Honourable friend, Sardar Sant Singh, said in reply to this part of Mr. Dow's speech. He said :

“ But in inviting public opinion on this measure, I can tell the Government that this child of Sir Abdul Halim Ghuznavi is less likely to die of exposure but the probability is that a negligent and hesitating administration will be subjected to a good deal of hostile criticism.”

[Sir Abdul Halim Ghuznavi.]

He was perfectly correct. Sir, the child is not dead. (*Cries of "No, no."*) The child has grown up, and is stouter and stronger than it had been ever before. It wants to fight the big "Dow" and it will fight with "Dow" till we attain the object we have in view, namely, the reservation of the coastal traffic wholly for Indians. (Hear, hear.) Sir, I very much regret that my Honourable friend, Mr. Dow, is not here today. When he started to make that long speech to pacify the British vested interests assuring them that the Government were on their side, he made this point first, that the Government had been wholly opposed to the original Bill and they were also opposed to the Bill as it emerged from the Select Committee. That we all knew. We need not be told in season and out of season that Government will always oppose this kind of legislation. Sir, this weak and irresponsible Government tremble in their shoes in fear of the Strand Road combine which is too strong for the Government to come forward with any legislation to support Indian shipping and Indian shipping interests. It is natural that Mr. Dow trembles in his shoes lest anything he says on the floor of this House upsets the British vested interests as it will mean a bad day for the Government! His next point was that the subject was unsuitable for a private Member's Bill. There, he said that he agreed with the Leader of the Opposition, who had remarked in his minute of dissent, that it was unsuitable for a private Member's Bill. True. But he also desired that Government should introduce a more comprehensive Bill—What of that? Have you up to now brought a Bill of your own? It is then only that you can ask us not to proceed with this Bill. Until then, the private Members of this House who are the custodians of public interests will continue their efforts for legislation necessary for the development of an Indian Mercantile Marine and will do their best to bring a too wooden, too iron Government on their knees. Then Mr. Dow made another point,—that the Bill had broken down on points of detail as well as on points of principle,—which is wholly untrue. It has not broken down, because the four Members—two Government Members and two European Members—may be of that opinion and Government will follow suit. Then he said that the grievance was one for which legislation was not at all the proper remedy. What is the remedy? Is it to beg of the British India and Asiatic Companies with a beggar's bowl to come to an amicable settlement? Sir, Indians refuse to be a party of beggars. They prefer to agitate for and demand their legitimate dues and have them. You will *have* to legislate sooner or later. If you do not do it today, you will have to do it tomorrow. Sir, the day of reckoning is not far off. Let the European vested interests now agree to something lest in future they be wiped out entirely from the Indian coast. We are not pressing to wipe you out yet, but if you persist in the manner that you have been doing, the day will come when you will have to be wiped out entirely from our coast.

Now, Sir, what is the result of this re-circulation? From the opinions obtained so far we find that Indian opinion is strongly in favour and the British vested interests have gone down so low as to go and canvass even a British collector who knows nothing about shipping to say that this Bill is not suitable. Look at the mentality of these Bri-



tish vested interests ! Look at the attempts they make to bring round all the British interests to their view. They approach the Bombay Port Trust. This is from the *Bombay Sentinel*, dated 7th July, 1938 :

“ Pro-Indian pretensions of Winterbotham and Lowndes exposed. Another Bombay Port Trust Scandal. Europeans in Majority in Board of Trustees vote solidly against supporting principle of Coastal Shipping Bill.”

There, Sir, they even would not agree to the principle of this measure. They would not even express an opinion because if they express an opinion upon the principle, they have to agree ; even so far they are not prepared to go. The Indian trustees took them to task and there followed a fight. I need not take up the time of the House to show what happened. The result was that there was a terrible fight between the Indian trustees and the British trustees of the Port Commissioners in Bombay. Ultimately, as happens everywhere, the Indian trustees were defeated. Then, Sir, we have heard from Government from time to time that they are in full sympathy with the Indian aspirations regarding coastal shipping. Ten years ago when Lord Irwin called a Conference he assured the members of the Conference that steps would be taken for the protection of Indian shipping. Commerce Member after Commerce Member gave assurances in that behalf but nothing tangible has been done so far. I do not know what the Honourable the Commerce Member will have to say today, but from the statement which Mr. Dow had made I feel that perhaps he will not give a sympathetic reply. What I want this House to realise is that Government are opposed to this measure and they are determined to oppose it because it would hurt British interests. I want the Members of this House to carry this Bill to the Select Committee. The opinions that have now been obtained are definite and constructive. They have discussed this Bill clause by clause and they have made suggestions as to how to improve the provisions. If this Bill is committed to the Select Committee, I will appeal to the Members of the Select Committee to so draft the Bill as to present the greatest common measure to the House with a view to get it through. If the Government still wants to defeat us, they will have to take recourse to the Upper House, but let the world know that this irresponsible Government do not want to protect the Indian interests. (*An Honourable Member* : “ Where were you yesterday ?”) I was here. Sir, I want to put that on record once for all. I have persisted with this Bill for the last four years. They thought that by resort to delaying tactics they would defeat my object and that I would in disgust give it up. But I have persisted and shall continue to persist till I get this Bill through in this House. Let them throw it out if they so desire by going to the Upper House and take the consequences of going against the united demand of the people.

Sir, there are many other things that I wanted to say but I do not want to take up the time of the House on this occasion any longer. I think I have made out a case for this Honourable House to re-commit my Bill to the Select Committee and therefore I move that the Bill be referred to the Select Committee.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to control the Coastal Traffic of India, as reported by the Select Committee, be re-committed to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. F. E. James, Dr. G. V.

[Mr. President.]

Deshmukh, Mr. B. Das, Mr. Bhulabhai J. Desai, Syed Ghulam Bhik Nairang, Sir Cowasji Jehangir, Babu Baijnath Bajoria, Seth Haji Sir Abdoola Haroon, Pandit Krishna Kant Malaviya, Dr. Sir Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, Mr. S. Satyamurti, Mr. C. C. Miller, Mr. Vencatachelum Chetty, Sardar Sant Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Sir, I rise to support the motion of my Honourable friend, Sir Abdul Halim Ghuznavi. This is a very modest measure. I would go further and say that it is so modest that the very word that this Bill is to control the coastal traffic is a misnomer because in the Bill there is nothing to control the coastal traffic for any particular section of the community, Indian or European, Britisher or Indian, but it only seeks to give some protection to the Indian shipping companies against heavy odds which they have to face in this country. Sir, we all know that Sir Abdul Halim Ghuznavi is the prince amongst the moderates and that he is one of the greatest supporters of Government and of the European Group. It is, indeed, very cruel that the attitude of the Government and of the European Group is so antagonistic to this very modest measure of his. After all, let us see what this Bill seeks ? It only seeks that there should be registration for every ship that intends to do trade in coastal shipping. The company has to register itself. It must have a capital of one lakh of rupees and it must deposit Rs. 10,000 with the Central Government. If there is a rate-war and if any company is aggrieved that the rate for freight or for passengers has gone down below the economic level, then it will appeal to the Central Government, and the Central Government, after making inquiries, will fix a minimum rate. That is all that this Bill wants. I do not think there is anything in it for which the European interests concerned should be afraid of. This Bill has been based on the principle of 'live and let live'. There is nothing to deprive the European interests and European companies of their share of the shipping trade. This Bill only seeks that the Indian companies will also be able to ply their trade. They must not be driven to the wall by powerful interests. As we all know, at the present moment, the big shipping companies operating in India—I will mention only two, namely, the British India Steam Navigation Company and the Asiatic Steam Navigation Company,—and the Indian shipping companies have to fight against these big companies. Only the Scindia Steam Navigation Company have been taken in amongst the Liners Conference because they have been able to stand against the British Companies, so that smaller Indian companies may not grow. The British India Steam Navigation Company has got a paid-up capital of over three and a half million pounds. They have got a reserve of over one and a half million pounds and they have got an investment of over seven million pounds. They have got 128 ships with a tonnage of over 7,60,000 tons. The Asiatic Steam Navigation Company have also got a capital of over one million pounds and, in 1932, they had 16 steamers and I think the number must have gone up by this time. Against these, the Scindia Steam Navigation Company, which have joined the Liners Conference, has got ten steamers only with a tonnage of 43,000 tons.

**An Honourable Member :** Are you supporting or opposing the motion ?

**Babu Baijnath Bajoria :** I am supporting it. The other Indian companies are very small. They have got two or three ships and they have to do their trade with a limited number. It is just like the fight between my Honourable friend, Mr. Abdul Qaiyum, and Mr. Hosmani, or to put it in a better way it is like the fight between my Honourable friend, Mr. K. Ahmed, and Mr. G. V. Deshmukh. I, therefore, submit that they undoubtedly deserve some protection so that they may not be crippled by mere weight. I say it is absolutely necessary that the Indian shipping companies must be given a chance to have their fair share of trade in this country. The methods which have been employed by the bigger companies are these. Whenever they find a competitor has come into the field, they reduce the rate to a very low level and when the competitor is thus driven out of the field and is wound up, then the bigger companies raise their rates very high. I have got information that when the Bengal Steam Navigation companies came into existence, the existing British companies began to carry passengers free of charge. My further information is that they even gave sweets and handkerchiefs to the passengers. This is the kind of competition which the Indian companies have to face.

Then, the question of rebate is a very important matter. They just make a rule that if you do not give all your goods to their ships, they will not give you rebate. This system of rebate is most detrimental to the interests of young and small companies because they have not got the capacity to take all the cargo which the merchants can offer. Nor have they the capacity to supply regular steamers at regular intervals and to if rebates are given in this way, then the merchants for fear of losing rebates do not give their business to the smaller Indian companies. This is a very unfair competition and it must be checked. As the Bill will go to the Select Committee and as Indian opinion on this point is unanimous that this Bill touches only the fringe of the problem, we must have a more comprehensive measure. It was the duty of the Government to bring forward such a comprehensive measure. In 1924, the Indian Mercantile Marine Committee also recommended that the Government should take definite steps to reserve coastal trade for Indian shipping. The Government have done nothing of the kind. They have not only been very apathetic but also hostile as their attitude towards this Bill and the previous Bill of Mr. S. N. Haji has clearly shown. There is nothing discriminatory in the present Bill. It does not interfere or violate any of the provisions of the Government of India Act, 1935. Other countries such as France, Italy, Australia, Spain and Japan have all given subsidies and bounties for the construction of ships. Germany, the United States of America, Belgium and Netherlands have all granted exemption from import duties for ship building materials. Coastal traffic is assured to the nationals in all European countries. Japan is giving enormous sums to its nationals. Australia has imposed regulations for the same purpose under the Navigation Act. These are the steps which other countries are taking for the protection of the shipping trade of their own nationals. What have the Government of India done in this respect ? In olden days India had her own shipping. Dr. Radhakumud Mukherjee in his book on *Indian shipping* states that Indian shipping was thriving and India was building ships of her own. But now, alas ! what is the position ? After 150 years of British rule, in spite of the fact that the Britishers are the greatest sea-faring nation in the world, having the biggest mercantile marine in the world, what have they taught us ? Nothing. Whereas on

[Babu Baijnath Bajoria.]

the other hand whatever little of shipping we possessed before, we lost with the advent of the British. It does not redound to the credit of the British rule in this respect. The coastal traffic in India was valued at 222 crores in 1921-22 and it was valued at 174 crores in 1930-31. I am not speaking of the international trade which is even of more considerable amount. India has got the legitimate right to demand a great share of the trade in her own waters.

**An Honourable Member :** Why a great share, why not the entire share ?

**Babu Baijnath Bajoria :** We desire the whole of it, but, unfortunately, at the present moment, we have not got the ships enough to take the whole share. I would be satisfied if I get half a loaf instead of no loaf. I would request the Government not to be hostile to this Bill, but they should give their wholehearted support to this measure and see that it is placed on the Statute-book at an early date. With these words, I heartily support the motion.

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : Sir, I move that the name of Maulana Zafar Ali Khan be added to the list of names proposed for the Select Committee.

**Sir Abdul Halim Ghuznavi :** I have no objection.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : Sir, I have very little to say at this stage with regard to this Bill. Government's point of view has been made perfectly clear on previous occasions when this measure was before the House by Sir Sultan Ahmad and by Mr. Dow. The Honourable Member in charge of this measure has said that though Mr. Dow in one of his speeches described this Bill as being a still-born child, yet it was now a flourishing child, much fatter and stronger than it was at the stage when it came to the House previously. I think most Honourable Members will agree with me that I doubt whether it is the same child.

**Sir Abdul Halim Ghuznavi :** It is the same child which Mr. Dow referred to.

**The Honourable Sir Muhammad Zafrullah Khan :** When this Bill went to the Select Committee, the Select Committee did not leave standing a single original clause of the Bill. All that was left standing was the preamble. They attached to that preamble an entirely new Bill.

**Sir Abdul Halim Ghuznavi :** That is the child to which Mr. Dow referred.

**The Honourable Sir Muhammad Zafrullah Khan :** That is what happened in the Select Committee. I am afraid this  
1 P.M. Bill is a changeling. But we shall not quarrel over that. Surely from its chequered history, it should be realised that whatever agreements there may be or there may not be between different interests over the principle of the original Bill, the provisions selected to give effect to that principle have failed to satisfy anybody and the proof of it lies in the fact that the Select Committee altered the Bill out of all recognition, not merely changed it but as I have said they substituted an

entirely new Bill in place of the original Bill. Now my Honourable friend, Sir Abdul Halim Ghuznavi, comes before the House with the motion that this new Bill should be recommitted to the Select Committee ! I should have thought that it amounted almost to an abuse of the procedure of this House to try to get a new Bill—for all practical purposes it is a new Bill—recommitted to the Select Committee on the basis of the original Bill. Be that as it may, I will not, as I have said, quarrel with Sir Abdul Halim Ghuznavi over the amount of support that he has for the principle of this Bill. But having regard to the fact that nobody seems to know in what manner to give effect to the principle of this Bill and to what extent, would it not be the best thing for him to withdraw this Bill at this stage, study the differences that have arisen over the actual provisions of the Bill, and then come before the House with something which is likely to command a certain amount of support ? It is true that some opposition to the Bill is based on the view that it goes too far in certain directions ; some opposition, or difference at any rate, is based on the view, that it does not go far enough. But at any rate there is not enough support in regard to the provisions of the Bill to justify the hope that any good will be done in the Select Committee. I am not quite sure that, with regard to every one of the provisions of the Bill as it now stands, the Mover himself is in complete accord with those provisions. That, Sir, is my position ; that is to say, Government do not like the provisions of this Bill any better than they liked the provisions of the original Bill. I would, therefore, appeal to Sir Abdul Halim Ghuznavi not to go on experimenting afresh in the Select Committee each time whether some new provisions can be agreed upon which by a method of elimination might eventually satisfy a majority in this House. The only proper course for him would be to study the matter outside with such help as he can obtain and then come to the House with a measure which might win the support of a majority in this House. I, therefore, oppose the principle of the Bill and also oppose the present motion.

**Mr. M. S. Aney :** Sir, may I inquire if Government will promise to bring in a Bill like this in the near future if this Bill is withdrawn ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the question of the protection of Indian coastal traffic has been before the Assembly for a considerable time. One Bill was moved which was referred to Select Committee. Then came a second Bill and now it has been very much simplified and the present Bill is really a very good compromise. There is a sincere desire on this side of the House that we should have some Bill to protect the interests of the Indian shipping industry. We have recently had several cases before the House and I myself had an opportunity of bringing up the question of the rate war in connection with the traffic between Chittagong and Rangoon. We recently had some difficulties about the rate war between Jeddah and the Indian ports, and there are other difficulties as well ; and we do really want that there should be some protection for the coastal traffic of this country. If this Bill does not go far enough, as pointed out by the Leader of the House, he can perhaps suggest in the Select Committee a few more clauses by means of which it may be made more effective. But, in case the present Bill is dropped altogether, the Honourable Member has already

[Dr. Sir Ziauddin Ahmad.]

pointed out that Government have no intention of bringing in another Bill giving greater protection than is contemplated in this particular Bill. Sir, with these words I support the motion.

**Sir Abdul Halim Ghuznavi :** Sir, I was amazed to find the Honourable the Commerce Member requesting me to withdraw the Bill and at the same time assuring my Honourable friends over there that Government have no desire to bring in another Bill in its place. Therefore, it appears to me that he wants my child to die a premature death. That I am not going to agree to. That child will fight in the Select Committee and will come back to this House for its protection. Once more, Sir, I will remind the House of the assurances which Government have been giving year in and year out, in spite of which they still persist in the attitude which the Commerce Member has taken up today. On the 5th December, 1929, Sir John Woodhead, the then Commerce Secretary, said :

“ They are in full sympathy with the widespread desire that India should possess a merchant fleet of its own.”

Only lip sympathy and nothing but that.

Lord Irwin, the then Viceroy of India, said on the 17th December, 1929 :

“ India should have its mercantile marine and the ships of that mercantile marine should be officered as well as manned by Indians.”

Ten years have elapsed since 1929 and there is no Indian mercantile marine. There is not even a small Bill which Government have thought fit to introduce to stop these British vested interests from rate cutting and destroying Indian companies which they have been doing to their heart's content. Crores of rupees of Indian capital have been thrown into the high seas on account of this rate cutting. See what is happening even today. Every one of us knows how the Seindia line has been opposed by the British vested interests in the matter of carrying pilgrims to the Haj, and still Government say that no Bill and no legislation is required and things are going on very smoothly and that whenever there is any trouble we should go to them and they will try and secure some advantages for us. That is their attitude ; and the Mogul line has decided on a rate war against Seindia. For over 40 years the monopoly of the pilgrim traffic to the Persian Gulf was enjoyed by the Mogul line, which belongs to the Asiatic, the twin brother of the B. I. S. N., which is an English company but deceives Indians by calling itself “ Mogul ”. Mr. French, M.L.A., connected with the Mogul line, has declared in a statement which has been published :

“ We are determined to carry on this rate war since we cannot help it and will carry it on with all our resources.”

That is the thing that I have come here to prevent. What business had this company who had a monopoly of this Haj pilgrimage so far to oppose with a rate war an Indian company which has started business pursuant to a persistent demand from Hajis, who had not received proper consideration from the Mogul line steamers.

**An Honourable Member :** The new company made the rate war.

**Sir Abdul Halim Ghuznavi :** I am reading from the old company's statement. This " Asiatic " which now calls itself the " Mogul " line gave any amount of trouble to the Hajis. Every year the Hajis had to fight and we had to fight for the Hajis. With the greatest difficulty we persuaded the other company to come to our rescue. Once they have come in, look at the advantages we are getting for the Hajis. All the trouble of Haj travelling has disappeared since Scindia has come into the scene. Now they want to have a rate war to put an end to Scindia's two boats which are now plying for the Haj. Let me now revert and refer to the statement of the Honourable Sir George Rainy on the 23rd September, 1929, to the effect that it was the object of Government to find a solution to the question of " adequate participation of Indian shipping in the coastal and overseas trade of India ". The Honourable Sir C. P. Ramaswami Iyer again said on the 7th September, 1932, " The Government are particularly anxious to facilitate the expansion of the coastal trade of India in so far as that coastal trade is operated by Indian agencies and through the instrumentality of Indian capital ". May I not reasonably remind my Honourable friend, the Commerce Member, of these statements made by his predecessors on the floor of this House and invite him to implement them ? It will not do for him to tell me to withdraw this Bill while he does not propose to bring in a more comprehensive Bill in its place.

Once more I appeal to Honourable Members of this House to recommit this Bill to the Select Committee as proposed.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill to control the Coastal Traffic of India, as reported by the Select Committee, be recommitted to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. F. E. James, Dr. G. V. Deshmukh, Mr. B. Das, Mr. Bhulabhai J. Desai, Syed Ghulam Bhik Nairang, Sir Cowasji Jehangir, Babu Baijnath Bajoria, Seth Haji Sir Abdoolah Haroon, Pandit Krishna Kant Malavia, Dr. Sir Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, Mr. S. Satyamurti, Mr. C. C. Miller, Mr. Sami Venkatachalam Chetty, Sardar Sant Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

### AMENDMENT OF SECTION 167.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I beg to move :

" That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 167), be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. E. Conran-Smith, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. Abdul Qaiyum, Mr. M. Ananthasayanam Ayyangar, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. S. Aney, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Sardar Sant Singh.]

Sir, the House will remember that this Bill was circulated for eliciting public opinion thereon, and we have received the opinions now which I will presently discuss. But before I proceed with the discussion of those opinions on this Bill, I want to refer to the provisions of section 167 as they stand now. Section 167 deals with the procedure where investigation into an offence has not been completed within 24 hours. It says this :

“ Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of 24 hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded the officer in charge of the police station or the police officer making the investigation if he is not below the rank of Sub-Inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention is unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction :

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Local Government shall authorise detention in the custody of the police.

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for doing so.

(4) If such order is given by a Magistrate other than the District Magistrate or Sub-Divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.”

Sir, my amendment, if accepted by this House, will make this change, that where the words “ and shall at the same time forward the accused to such Magistrate ” occur, I propose to substitute the words “ forward the accused to a place where such Magistrate ordinarily holds his Court ”, and in the second clause I want this provision to be inserted, “ that the Magistrate to whom an accused person is forwarded under this section after hearing the accused or his counsel if the accused so desires may grant remand, etc.”. The change which I want to introduce in this section is this, that the seriousness and the gravity of granting remands of arrested persons back to police custody should be recognised by the Magistrates when the accused is produced before them. If we look at the provisions and the safeguards that exist already in this section, we shall find that the Legislature at the time of enacting this section was not ignorant of the special powers given to the police to get back the accused to police custody. Certain safeguards have been provided, but these safeguards have not worked in practice, according to the intention of the original framers of this section. Objection was taken when I moved for the circulation of this Bill, that the Government did not object to the principle of my Bill ; as a matter of fact the Honourable Mr. Thorne, who was opposing this measure, did concede that there was no objection to the principle underlying the Bill. The objections raised were objections of convenience and whether the proposed change in the Bill would or would not help the accused in his troubles.



The opinions which I have received have dealt with both the questions very thoroughly, and before I proceed to discuss them, I will try to place before the House the trend of the various opinions received. I have divided the opinions under the following headings. The opinions of the Governments of Provinces, the opinions of the Honourable Judges of High Courts, the opinions of Sessions Judges, the opinions of District Magistrates, Bar Associations, Commissioners, Superintendents of Police, ordinary Magistrates, Public Prosecutors and Government Advocates. From the analysis of the opinions received, I find that eight Governments of the Provinces are against the Bill, two are in favour, four are only against clause 1, while four are in favour of clause 2 of the Bill. Out of the Honourable Judges of the High Court, three are against any change, while the remaining are in favour of modification of these laws. Out of the Sessions Judges, nine are against, 13 are in favour, five are against the amendment of clause 1, while five are in favour of amendment of clause 2. Out of the Commissioners, five are against, one is in favour, six are against clause 1, and six are in favour of clause 2. Out of the District Magistrates, I find that 22 District Magistrates are against any change, eight are against clause 1, one against clause 2, while eight District Magistrates are in favour, 13 District Magistrates are in favour of amendment of clause 2, and one is in favour of amendment of clause 1. Out of the Bar Associations, one is against, six are in favour, one against clause 1 only, and one in favour of clause 2. This does not include the opinions expressed by the Bihar Government. They have given only an analysis of the opinions received which I will deal with later. Out of the Superintendents of Police, all are against it. Out of the Magistrates, three are against and two are in favour. Out of the public prosecutors and Government advocates, I find that eight public prosecutors are against, three in favour and two in favour of clause 2. From this analysis one thing is very clear that the majority of the opinions favour the amendment of clause 2, whereby I want to make it obligatory upon the magistrate, before granting the remand, to hear the accused or his counsel if the accused so desires. This analysis makes it clear that wherever the executive has been called upon to give an opinion, the executive oppose it and amongst the judicial officers who have been consulted, the great majority of them are in favour of the change. The executive do not want their actions criticised publicly. They want short cuts to the attainment of their object and that object is to get the persons arrested by them convicted, irrespective of the fact whether the public has confidence in the administration of justice or not. They care a tuppence for gaining the confidence of the people. But wherever the judicial mind has been brought to bear on this subject and wherever the principles of criminal jurisprudence have been brought to bear on the matter, there the opinions are strongly in favour of the Bill. I shall now proceed to read some of the opinions expressed in favour of the Bill.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : We have all read them.

**Sardar Sant Singh** : I know you have read them but I want to complete my case before the House. We have listened to you for three days in connection with the repressive laws which you wanted to repeal and I hope you will have as much patience to hear me as we have had to hear you. I was submitting before the House that wherever a judicial mind has been brought to bear on this subject the opinion has been in my

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favour. Out of the 53 District Magistrates consulted, about eight are completely in favour of the Bill, while 13 are in favour of clause 2. The justice underlying the principles of the Bill is admitted by such executive authorities as District Magistrates. Now, I shall read the opinion of the District and Sessions Judge of Chingleput. He states :

“ The Magistrate exercises at least a *quasi*-judicial, if not a purely judicial function in ordering the detention or otherwise of the accused person, pending investigation by the police. Hence it is appropriate that the accused is produced before him in open Court. Acts in open Court are also usually attended with a more becoming sense of duty. But, the Magistrate may not be in Court, when the accused is produced.”

Therefore he makes a suggestion that some change should be made in the wording of the Bill as it is now. Of course, the Select Committee will consider the necessary changes to be made. Further on he says :

“ Under sub-section (2) it must be made obligatory on the Magistrate to hear the accused, if he so desires. That would enable the Magistrate to obtain information of any ill-treatment by the police or of wanton inaction, in order to gain time towards fabricating evidence.”

Then, the opinion of the Sessions Judge of Kistna Division deserves more than passing attention. About clause 1 of the Bill he says :

“ In the interests of the sound administration of Criminal Justice, it is highly desirable that all remand orders should have due publicity, which can only be had if the orders are made at a place where the Magistrate ordinarily holds his Court. This procedure will certainly minimise the cavilling criticism often levelled against the Magistrates, especially those in the lower ranks, that they play into the hands of the Police in these matters.”

That exactly is the charge which I bring from my own experience at the Bar. The Magistrates are always in deadly fear of the police in such matters. When such is the case it is not uncommon to see that the magistrate is only a mere recorder of police decrees. My friend, Mr. Griffiths, says that is not the case. He has been a District Magistrate himself and if he had only studied the point or consulted his own bar association he would have come to the conclusion that his opinions are not the last word on the subject. Further on, the same Sessions Judge says :

“ Though this amendment may entail some additional work on the Magistrate granting a remand, it is essential that a fair opportunity should be given to the accused to have his own say before he is remanded to Police custody. This will certainly inspire confidence in the mind of the accused person that he is having a fair trial.... It is not a sound principle of law to hold that it may not be worth while to hear an accused person at that stage ; because, in the eye of law, every person charged with an offence is presumed to be innocent until he is convicted of the crime with which he is charged.”

Next, Sir, at page 10, this is an opinion from Bengal, the place wherefrom our Honourable friend, Mr. Griffiths, comes. The District Judge of the 24-Parganas says :

“ I think it is probably the case that many if not most Magistrates take their responsibility under this section much too lightly.”

But I am wondering if one cannot make any constructive suggestion. Further on he adds :

“ We are agreed that the law needs stiffening.”

I particularly invite the attention of the Honourable the Law Member and of the Honourable the Home Member to this expression of opinion.

“It is no use blinking the fact that many Magistrates fear, possibly for good reason, getting into the bad books of the police.”

I invite the attention of my Honourable friend, Mr. Griffiths, to that opinion. Then, further on, the Additional District Judge of the Twenty-Four Parganas has given an opinion which is very amusing and very contradictory. He starts with cursing me and ends with blessing my Bill. He says :

“In fact, I have a shrewd suspicion that there are objects and reasons beyond those included in the statement appended to the Bill.”

This is questioning the motive for which this Bill is promoted but he gives us the benefit of very nice logic when he says :

“I can see no difference, whatever, in taking an accused person to a Magistrate's house and in the Magistrate proceeding to a completely deserted Court building for the sole purpose of introducing some small degree of ‘formality’ into the proceedings. An accused or his lawyer can be heard as well in the Magistrate's house as in a Court room.”

Now, with due deference to the opinion of this Honourable Additional Judge from Bengal, may I ask Honourable Members who may be inclined to accept his opinion that the formality is not merely meant for the purpose of striking the imagination but it has got some deeper purpose behind it. If an Honourable Judge of the High Court is allowed to hear a case with the attendance of a mace of silver, that is not an ordinary formality. If a big High Court building is provided where solemnity reigns it is so in order to inspire people with confidence in the justice that is going to be administered ; it is not a hollow solemnity, but it has psychological meaning behind it. Here is a gentleman who sees no difference between going to the house of a magistrate with his pyjama suit on and probably attended by a servant with a glass of water and a counsel sitting outside waiting for his pleasure when he gets up and receives the counsel to hear what he has to say. But later on he says :

“Four walls and furniture of a particular type do not necessarily constitute a Court, although, perhaps, a raised dais and the paraphernalia usually attaching to a Court do create a certain atmosphere.”

Then, I am indebted to him for a very good suggestion in putting my principle into practice. I do not want to tire the House by reading out the suggestion. The District Magistrate of Dacca says :

“I am of opinion that the amendment should be accepted. The objection that Magistrates are often on tour and are not thus in a position to give immediate attention to the papers relating to the arrest of an accused under the present law does not seem to me to be valid.”

The main objection taken by the Honourable Mr. Thorne in his speech was that in the case of some of the magistrates it would be very hard for the accused to be taken there. This criticism is answered by no less an authority than the Sessions Judge of Dacca. The Commissioner of Bareilly, an executive authority, says :

“I have the honour to report after consulting four selected District Magistrates that I agree that the principle of the Bill introduced by Sardar Sant Singh to amend the Code of Criminal Procedure is unexceptionable and the *farzi* remands are to be discouraged.”

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Now this opinion, coming from the head of an executive authority, should be a most valuable guide for the Government to determine their attitude with regard to this measure. The District Magistrate of Agra, another executive authority, says :

“ With regard to the right of the accused to be heard either personally or through his Counsel before he is remanded to custody I am inclined to agree with the Honourable Member that sub-section (2) of section 167 may be amended as proposed. It is a common experience that in many cases remand is granted as a matter of course merely on the application of the investigating officer. This is not desirable. It encourages delay in investigation and is certainly unfair to the accused. If the proposed amendment is made police officers will conduct investigations with greater care and expedition.”

Sir, my Bill is not directed against obstructing investigation into crime but it is directed towards making the executive authorities more efficient and more competent in the discharge of their duties. Now I come to some of the opinions expressed by the Honourable Judges of High Courts. I will read from the opinions of the Honourable Judges of the High Court at Allahabad.

The Honourable Mr. Justice Bennett says :

“ I note that the Government of India is opposing the Bill, but I consider that its provisions will be beneficial in certain cases.”

The Honourable Mr. Justice Kamla Kanta Verma says :

“ I agree with Bennett, J.”

Similarly the Honourable Mr. Justice Beckett of the Lahore High Court says :

“ In my experience, the provisions of section 167 of the Code of Criminal Procedure are greatly abused by Magistrates. A continuation of the detention of an accused by the police is allowed as a matter of course, even though there is nothing to explain why the investigation could not be just as well carried on with the accused in jail. In every case, the accused is not formally ‘ arrested ’ or brought up for orders until the case against him is regarded as proved, so the additional detention is required only so that pressure may be brought upon him either for the purpose of extracting a confession, or for the purpose of adding to the details of a confession.

Under the law as it stands, the accused has to be produced before a Magistrate, obviously with the intention that he may be heard if he wished it ; and if the amendment will do anything to make the law more clear, or protect accused persons from torture, I think it should be supported.”

Similarly, opinions have been given by the Sessions Judges from the

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Punjab that the law requires to be clarified and made clear because the Magistrates do not take their duty in a right spirit. Here is an opinion from the District and Sessions Judge, Amritsar :

“ I have the honour to state that there exists at present a real and well founded impression in the mind of the public including members of the Bar that remand orders by Magistrates are a mere matter of routine and that most Magistrates do not at all apply their mind to the facts of the case and the material contained in the Police Diaries on which the accusation or information is founded....”

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** May I suggest to the Honourable Member that instead of reading extensively all the opinions, he may give the House purport of those opinions except in the case of very important opinions such as from the distinguished Judges.

**Sardar Sant Singh :** May I submit that out of the hundreds of opinions that have been received I have only read those which illustrate the principle underlying the Bill. I have got many opinions where the opinion is expressed one way or the other, or where certain suggestions have been made with regard to the improvement in the wordings of the Bill.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I hope my suggestion will not be misunderstood. I am only making the suggestion that except in the case of very important opinions, the Honourable Member may just refer to them and give the substance. I am only making it as a suggestion, leaving it to the discretion of the Honourable Member as to which opinion he should read and of which opinion he should give the substance only.

**Sardar Sant Singh :** I will accept your suggestion, Sir, and will divide the opinions now into different parts. The opinions that have gone against me have done so on the ground that it will be inconvenient for the accused to be taken in camp and to be produced before the Magistrate where he ordinarily holds his court. As regards this, I may point out that there need be no fear on that score because of the fact that what I intend to convey by the words 'ordinarily holds his court', as was explained by Diwan Lalchand Navalrai when he supported this motion, is the open court whether it is at the headquarters or in the camp. The point made against me by my opponents can be met by the fact that there are more than one Magistrate in a district and each one of them is authorised to grant a remand to the police and it is not necessary that the Magistrate having the jurisdiction in the case should alone grant the remand. Even in the section it is clear that whether the Magistrate granting the remand has jurisdiction to try the case or not he can give the remand. So far as this criticism is concerned, namely, that this Bill will cause inconvenience to the accused, there can be no fear on this score. The second point on which the opinion has differed is this that there are holidays and the Magistrates do not go to the court on those holidays and, therefore, it is necessary that remands should be obtained after 24 hours have elapsed at the place where the Magistrate is. In order to meet such contingencies, one of the gentlemen who has given the opinion has made a very good suggestion which can conveniently be adopted. He says that if the Magistrate grants a remand at his house or at a place other than the open court, in that case he should give special reasons for that. I hope the Select Committee will consider this suggestion. The third reason given is that there are cases where the question of the identification of the accused becomes very important and if the accused is brought to the open court, objection may be taken that the witnesses for the prosecution have been made to identify him before the trial. I do not think this is a consideration of major importance. It is of minor importance because of the fact that generally the identifications take place in the presence of the Magistrates. At any rate, this is the procedure in my province. When the accused is arrested, a Magistrate is summoned and in his presence identification takes place. In order to justify my Bill for the amendment of section 167, I will quote the judgment of the Lahore High Court where this section has been subjected to a severe criticism by a Judge of the High Court. This was a case of one Keval Krishna. He was arrested under

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sections 120B and 302 and under section 20 of the Indian Arms Act. Unfortunately for him, this was a case of a political nature. So, what the police did in this case was that they went to a Magistrate at Lahore and got a remand for four days. Then, they got a remand for full 15 days and when they brought him again before the Magistrate for a further remand, he declined and said that the section prohibited a remand for more than 15 days. Then, they took him to Amritsar and there they got hold of a Magistrate and got a remand for another four days. Then, they brought him back to Lahore and when the former Magistrate would not agree to give him a further remand, they took him to a convenient Magistrate and got the remand. This thing went on with the police for about a month. Then, a revision application was filed before the High Court under section 561A, Cr. P. Code. The following remarks of the Honourable Judge as to the conduct of the police are worthy of serious consideration :

“ But there is another matter which is much more serious. On 26th November, four days before the expiry of the first remand, the Counsel for the petitioner made an application to the Additional District Magistrate asking for information as to when and where the accused person was to be produced before a Magistrate on the expiry of his remand.”

Now, Sir, this is the evil. I referred in my last speech that it is a regular game of hide and seek played between the police and the Counsel at the time of remand. Here the Counsel applies to the magistrate that he should be given the information after the completion of 15 days of remand, that is the maximum permissible under this section, he should be told where the accused will be produced and before whom and at what time :

“ This application was made four days before the remand period was over. A copy of the application was sent to the Superintendent of Police who was also requested for the same information. But no such information was given at all. But a fresh remand was obtained from a Magistrate at Amritsar.”

Can anybody say that after reading this there is no justification for this Bill. No explanation is forth-coming as to why the Counsel was not given any information and why fresh remand was obtained from a magistrate of Amritsar when the first remand was obtained from the Additional District Magistrate of Lahore. Further on, the Honourable Judge was constrained to make these remarks :

“ It is easy to say that legal assistance may be frequently very useful on such occasion. The manner in which the second remand was obtained from Amritsar without giving any information to the Counsel raises a strong suspicion that the procedure was deliberately adopted by the police with a view to avoid inconvenient objections to the further remand which they wanted. If so, their conduct in this matter must be strongly deprecated.”

Now, Sir, may I ask the Honourable Members of this House, particularly the Government Members, to reconsider their position. After all what does the Bill want ? It does not want to obstruct the course of investigation. It does not want to hamper the investigation of a crime or the punishment of an offender. It only wants to follow the general principles of criminal jurisprudence to treat the accused to be innocent till he is found guilty, to avoid harassment to him, to make the police more efficient in collecting evidence before they arrest and then placing the accused at the earliest possible opportunity for his trial. There can be

no denying the fact as I have quoted previously from the opinions received that the magistracy, particularly the trial courts, are afraid of the police agency. They get remand in the usual course and as a matter of routine and, therefore, my Bill requires that definite instructions should be laid down in the law itself what the magistrate has to do in giving this remand. I hope the Government will be better advised and that they will reconsider their position. Sir, I move.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Motion moved :

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 167), be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. E. Conran-Smith, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. Abdul Qaiyum, Mr. M. Ananthasayanam Ayyangar, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. S. Aney, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr P. J. Griffiths (Assam : European) :** Sir, I must congratulate my Honourable friend, Sardar Sant Singh, on his singular facility in intending one thing and achieving something quite different. He produces a Bill which professes to give protection to innocent accused, but the Bill, in practice, merely has the effect of adding to the harassment which the accused already suffers. The Bill seeks to lay down two propositions. The first of those propositions is that an accused should be taken not to the place where the magistrate is but to the place where the magistrate ordinarily holds his court. Now, Sir, there are two very obvious objections to that, which were put very clearly in the last Session by Mr. Thorne. Sardar Sant Singh has referred to those two objections, but he has, however, made no real attempt anywhere to put forward any practical solution as to how those objections could be avoided. The first of those objections is a very obvious one, that in some provinces, for example in the Province of Bengal to which he referred at some length, the courts are closed for about 100 days every year. The Sardar Sahib has not told us what is to happen when an accused is produced on a day when the court happens to be closed. Speaking for myself I have very vivid recollections of being disturbed in the middle of a very comfortable Sunday afternoon sleep when an accused was brought before me from the mufassal. I should have been very pleased indeed if I could have said, “ No, no, this man must be taken to the place where the magistrate holds his court. I cannot possibly deal with him here. You will have to go away. Come back tomorrow when the courts are open again ”. If this happened on just a single occasion or one day, it might not be very serious. But it sometimes happens that the courts are closed for four or five days together. My Honourable friend has made a very bright and helpful suggestion when he said that the magistrate should be allowed to record special reasons for dealing with the accused in his house. What special reasons can the magistrate record ? He can simply write down solemnly on the order sheet, “ today being a holiday, the accused was dealt with in my house ”. I should like to ask the Sardar Sahib what conceivable benefit it will be to anybody if the magistrate solemnly writes down in the order sheet that today being a holiday the accused was dealt with in his house ? After all anybody can find out from the calendar that a particular day was a holiday.

[Mr. P. J. Griffiths.]

There is another very obvious objection to this procedure and that arises from the fact that many magistrates happen to be touring officers. The Sardar Sahib has not told us what is to happen when a magistrate is not at the place where he holds his court ordinarily. There are a good number of places where you have only one magistrate dealing with criminal cases. Even leaving aside those places, there are many other places where you have two magistrates, one the sub-divisional officer and the other of whom is an exceedingly junior officer, a deputy or a sub-deputy collector. If you enforce the present proposal of my Honourable friend, the practical effect will be that whenever the sub-divisional officer is out on tour the accused will have to be taken to a very junior officer even though the sub-divisional officer may happen to be in the very village in which the accused is arrested. What can be the practical advantage if an accused is arrested in a particular village and if the sub-divisional officer who happens to be on tour near that village says, "you must take this man to the sub-divisional headquarters and place him before the magistrate who ordinarily holds his court there".

The next proposition which this Bill lays down is that the accused should be entitled to be represented by Counsel even at this preliminary stage. Well, at first sight, I had a certain amount of sympathy with that point of view, for I fully realise, I do fully admit that there are cases in which the applications by the police for remand do not receive as careful a consideration as they should receive. Be that as it may, we have to remember that in criminal matters a right very quickly becomes an obligation. If you give the accused the right to appear by Counsel, it is only a very short step from that to building up such a strong custom that the accused will have to appear by Counsel always and the right will become an obligation and in every case an innocent accused will be put to the expense of appearing by Counsel even in the preliminary stages. Surely one of the main objects in framing the criminal law is to prevent harassment of an accused at the earliest stages at which there is not sufficient evidence against him to make it worth his while to employ a Counsel. Sir, I submit that the only effect of this part of Sardar Sant Singh's Bill will be to increase the expenses, to put fresh harassment upon innocent accused who are already sufficiently harassed. The sum and substance of the Honourable Member's contention is this. He says that magistrates do their job in a very dilatory and perfunctory manner and because they are dilatory and perfunctory they do not take sufficient care in examining these remand applications. In some cases they may be true. But it has been my privilege to have a great many magistrates serving under me and I have always made a special point of examining the manner in which they dealt with remand orders and if the Sardar Sahib's statement is meant to be an allegation against magistrates as a whole, I most emphatically deny it. There are magistrates who are bad magistrates just as there are officers in every department and in every walk of life who are bad officers, but you cannot frame the whole of your law upon the assumption that the law is going to be badly administered. You ought to frame the law on the assumption that it will be reasonably administered and then it is up to those in charge in the Provincial Governments to get on the track of magistrates who cannot administer the law properly. The right way of dealing with perfunctoriness in passing



orders on applications for remands is not by changing the law but by showing a determination that all the magistrates under your jurisdiction shall understand the provisions of the law and shall apply their minds systematically to its application. For these reasons, Sir, I contend that whatever may be wrong with the administration of the law in some cases, there is nothing wrong with the law itself and no case whatsoever has been made out for either of the two changes proposed in the Sardar Sahib's Bill. Sir, I oppose the Bill.

**Mr. Sham Lai** (Ambala Division : Non-Muhammadan) : Sir, I support the motion and I am really surprised that my Honourable friend, Mr. Griffiths, should take it upon himself to oppose this motion. Sardar Sant Singh has made out two points. One point is that the accused should be taken to the court of the magistrate and there a remand obtained. My Honourable friend, Mr. Griffiths, has pointed out that the Honourable the Mover has not suggested any practical solution for holidays or when the magistrate is on tour. I want to remind him that there is a practice in the Punjab and that practice can be adopted in other provinces also, which is that in every district there are week magistrates, that is, for every week there is a magistrate. So far as the trial of cases is concerned, the jurisdiction is of course given to certain magistrates, but so far as bail or remand is concerned, a magistrate is appointed for a week and all the cases are taken to him, and cases are not taken to magistrates who are on tour. I may also remind him that if he were to read the proceedings of the Lahore Conspiracy Case he would see how far this provision has been abused. In that case the accused were arrested and were not put in one lock-up, but they were taken to different lock-ups at a distance of 20 or 30 miles, and when their relatives applied for interview or asked that their counsel should be present at the time of remand, the whereabouts of the accused were not given. And these points were brought before the Lahore High Court and the Honourable Judge of the High Court condemned this practice. Sardar Sant Singh has referred to the opinion of Justice Blacker who tried that case, and when the Punjab Government found that this law had been abused they issued instructions in terms of the amendment proposed by the Honourable the Mover. And these instructions are that the accused should be produced in open court and counsel should be allowed to oppose the application for remand. The instructions that have been issued by the Punjab Government Sardar Sant Singh now wants to embody in the Statute ; and I am really surprised that this should be opposed. Why is it that the police want to cling to these powers ? As a matter of fact their case is practically the same as that of the teacher in the English school who refused to stand up even when the King visited the school, and when asked for an explanation said that he did not want his pupils to have the idea that there is any person in the world greater than the teacher. The same is the case with the police. Really the police, when they have got any accused person in custody, want the accused to realise that he cannot appeal to any higher authority. You will find in several cases that it is not the accused who are taken to the magistrate. Just as in the conspiracy case, the magistrate was taken in a motor car to Chaklala and then to another place 20 miles away and again somewhere else 30 miles away. He was taken to the accused and the accused realised that the police were all in all and all of them made confessions. Therefore, it will not add to the troubles of the

[Mr. Sham Lal.]

accused ; it is really necessary that the accused should be produced in court. And, as pointed out by Sardar Sant Singh, there is always an air of solemnity in courts and the Magistrate dare not grant a remand on insufficient grounds in the presence of lawyers, etc. He has quoted the case of a touring officer. Sometimes the accused and the parties do not realise that the person is a magistrate, if he is holding his court outside. One magistrate, who was on tour and riding a horse, convicted a Jat and sentenced him to three months' rigorous imprisonment and the Jat replied, " How can you sentence me ? You are not in court, there is no table in front of you, no green cloth on your table and you are not sitting in your chair. You sentence me I can as well sentence you to three months' rigorous imprisonment ". What are these courts meant for ? In these courts there is a solemnity and there is publicity ; and then if you leave it to the police to produce the accused at anybody's house and the magistrate in his *dhuti* and *kurtas* grants a remand in a friendly spirit without even looking at the papers,—I am surprised that an Englishman can support such a proposal. I can only say that perhaps their mentality undergoes a change in India. I thought there could be no difference of opinion on this point and it is surprising that the instructions issued by the Punjab Government in the interests of justice should be opposed by a gentleman who has himself been a District Magistrate. I think it is only fair that the accused should be produced in court and he should be allowed to be represented by counsel who will oppose the application for remand, as was pointed out by the Honourable Judge of the High Court. I, therefore, support this motion.

**Mr. E. Conran-Smith** (Government of India : Nominated Official) : Sir, I feel that no Session of this House would be complete without a motion in regard to at least one of my Honourable friend Sardar Sant Singh's Bills to amend the Criminal Procedure Code coming before us. Today we have on the agenda no less than three of his attempts to re-write the Criminal Procedure Code in the sense in which he feels that it requires amendment. This particular Bill to amend section 167 reminds me of the patent medicine in Mr. H. G. Wells' novel " Tono Bungay " which is described in the book as being " only slightly harmful ". My Honourable friend has attempted to demonstrate by a judicious process of selecting opinions that his Bill has the support of judicial opinion and of the Provincial Governments consulted. I must confess that his analysis of those opinions differed so considerably from mine that I was completely taken by surprise. Some of the opinions which were lukewarm he may have read as supporting his Bill. There were one or two Provincial Governments who said, " We see no harm but we regard the amendment as unnecessary ". It is said that figures can be made to prove anything. Sardar Sant Singh has shown us this afternoon that opinions, even judicial ones, can also be made to prove anything. I was expecting my Honourable friend, in face of the almost unanimous objection taken both by judicial bodies and by Provincial Governments to the first of his two amendments, to withdraw it. I may remind him that of the Provincial Governments only one,—and in their case for special reasons,—showed themselves to be in favour of his amendment.

**Sardar Sant Singh** : What are the special reasons ?

**Mr. E. Conran-Smith :** The special reasons were, I think, in the case of the United Provinces that they have under consideration the separation of judicial and executive functions. Sardar Sant Singh made a passing reference to changes which the Select Committee might make. I thought for the moment that he perhaps had in mind that the Select Committee would eliminate the more harmful element from his Bill and that the truncated remains would come again before this House ; but I see my Honourable friend is adhering to his view that the whole measure should reach the Statute-book. In view of what was said on the previous occasion on the floor of this House and has been said today by Mr. Griffiths, it is perhaps unnecessary for me to do more than re-iterate that Government must oppose an amendment so clearly calculated to defeat the intention with which it has been put forward. I am well aware of the sincerity of purpose and of the desire to do justice to those who find themselves accused in a criminal case which have actuated my Honourable friend in bringing forward this motion ; but I feel I should impress upon him how singularly little this measure would achieve his laudable object. I may say that I admire his courage but not his discretion. I should like to deal with one argument which he advanced to meet the main objection which Government feel to this clause, namely, the difficulties which would arise if an accused has to be produced in the court of a magistrate when the latter is, for any reason, absent from headquarters or when a holiday intervenes. I was surprised to find that my Honourable friend had only now learnt from the opinions which have been received a method of meeting that objection. But he did also say, I think, that ordinarily there is more than one magistrate in the station. I would remind my Honourable friend that ordinarily magistrates of the second class and invariably magistrates of the third class are not empowered to act under section 167. In rural areas where those persons reside whom, I take it, Sardar Sant Singh particularly wants to help I am not thinking now of large cities like Lyallpur,—there is seldom more than one magistrate within the area empowered to act under section 167. As regards the question of holidays I feel sure the Honourable the Mover would not wish to force the police to transgress the provisions of section 61 of the Code which fixes a maximum period of 24 hours as the period within which an accused person may be detained without the order of a magistrate.

There is a minor point also— it is really a drafting point,—to which I would like to refer, although no doubt my Honourable friend would say that it is a matter for the Select Committee. It is this : the effect of clause 2 (1) of the Bill, as drafted, would be that whereas a copy of the entries in the police diary has to be sent to the nearest magistrate the accused himself will be forwarded to the place where the magistrate ordinarily holds his court. I feel sure that is not a result which my Honourable friend desires to bring about.

I have very little to say about clause 2 (2)—the second amendment. It is less harmful and it has, I admit, received some measure of support from Provincial Governments and others who were consulted. But the majority of the opinions received, as I see it, go to show that the amendment is unnecessary. Some authorities have said that it is harmless, others have said that they see no objection, but a large number have said that the amendment is unnecessary. One Provincial Government have pointed

[Mr. E. Conran-Smith.]

out that even under the existing practice, under judicial rulings, an accused is already entitled to be represented by counsel in any proceedings under section 167. That being so, I cannot see what reason there is why my Honourable friend should ask us to tamper with the provisions of a Code which has stood the test of many years. My Honourable friends have advanced no good reasons for taking such action.

Sir, in opposing this motion, I would ask Honourable Members not to admit to the Statute-book a piece of legislation, one of the provisions of which is slightly harmful and the other one of which is unlikely to confer any material benefit on those whom the Honourable the Mover wishes to help.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I had hoped that we had effectively and finally put Mr. Griffiths out of harm's way ; but evidently ' once a magistrate always a magistrate ' is the rule of life. I cannot pretend to know the theory of the law nor am I learned enough to discourse at length on the various provisions of the Criminal Procedure Code. I am not interested either in the various opinions that have been gathered, for the opinions all come from the harrows and not from the toads. I am more interested in the experience of the toads than the views of the harrows. We, on this side of the House, have had personal experience of how the Code of Criminal Procedure is worked. I think personally that whether this Bill goes far enough or not, it is time that the question of ' remand ' were taken seriously in hand. Believing as I do that an ounce of practice is worth more than a ton of theory, I will relate to this House my own experience.

On the 11th of January, 1932, in the early morning, while I was passing from my bath room to my office room in my own house, I was arrested by policemen who were lying in wait in the intervening verandah, and I was promptly shut up in the district jail of Benares. I was taken into a barrack which had already 44 persons in it and I became the 45th. I give the date so that my Honourable friend opposite may make sure if they feel that I might be saying something that is not true. That room was not more than 15 feet wide by about 25 feet long. Forty-five of us were huddled in that barrack ; and for myself I will say that I could not get a wink of sleep : I sat up all night trying to get enough air to breathe properly, as there did not seem to be sufficient ventilation in that barrack. I was told that within 24 hours I should be brought up before a magistrate ; and as all the magistrates of Benares happened to know me I thought I would be able to tell them what my condition was so that I might be put in a better place. No magistrate arrived at all till late in the afternoon of the 18th of January—that is, exactly seven days afterwards.

My Honourable friend, Sardar Sant Singh, in the Statement of Objects and Reasons, says that very often magistrates go to the accused themselves. But in this case there was no magistrate at all anywhere present and none came to me as I remained an undertrial prisoner for seven days. Then I was suddenly informed that a Magistrate with all

the paraphernalia, including the table, the green baize, the chair and other things (referred to by Lala Sham Lal) was present somewhere outside, and that I was to go there and be properly sentenced.

**Mr. M. Ananthasayanam Ayyangar :** To be remanded.

**Mr. Sri Prakasa :** Sir, there was no question of remand at all. The proceedings of the remand took place somewhere else,—I do not know where,—but on the seventh day, I was taken before this Magistrate and I was promptly sentenced to a year's rigorous imprisonment and a fine of Rs. 500. If we ever reach the Bill which my friend, Mr. Satyamurti, has on the order paper, I shall be able to relate many stories, and I hope other friends around me here will be able to relate many of their own experiences. My friend opposite, the Home Secretary, must have sentenced people in his own time, but he had never been sentenced himself although, I am quite sure, he could not have possibly followed all the 511 sections of the Indian Penal Code in his own life. He naturally has only his own side of experience as to how the law works.

My friend, Mr. Griffiths, was free to confess that every afternoon the Magistrates go to sleep. Of course they do, because District Magistrates have not to be in court as they are supposed to be on duty all the time ; they go to sleep having nothing else to do.

**Mr. P. J. Griffiths :** On a point of information, I may say that it depends on the soporific effects of the lawyers' speeches.

**Mr. Sri Prakasa :** Sir, I may say straight off that I am a greater enemy of lawyers than Magistrates ; but this particular case of my own experience is such that makes me feel, and I say it in all humility, that if persons who enjoy a certain amount of social status, as my family happens to enjoy its own home town, if persons like us are treated in this manner, other folk must be fairing much worse. I do not know if anything is done for them at all. Of course, in my case the trying Magistrate had already ordered what to do. The poor fellow confessed it to me himself. That is the way in which justice is dispensed in this country, and no wonder the United Provinces Government, consisting as it does of those who have themselves suffered, are taking steps to separate the judiciary from the executive. I may, in this connection, also say that during this period that a person is an under-trial prisoner, he is not properly taken care of either, and this should interest Mr. Griffiths principally because under-trial prisoners do not get any morning tea.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

The first meal that is brought to them is at 11 o'clock in the day time, and it consists of seven *chapaties* and some *dal* heavily seasoned in oil and salt. And, Sir, they are expected to eat all the seven *chapaties*. They cannot pass on any *chapaties* to any one else if they cannot manage them themselves. If one does not eat all the seven *chapaties* he is guilty of a jail offence ; if he passes the food on to some one else, even then he is guilty of jail offence. And, Sir, having got used to tea, I used to get headaches when I did not get my morning tea in the jail ; and that is why I have suggested that the Tea Cess Committee should take steps to see that prisoners are supplied with tea free at their costs in the mornings. I hope Mr. Griffiths will look into the matter.

[Mr. Sri Prakasa.]

I strongly feel that the question of remand has got to be considered. It may be that this Bill does not go far enough. It may be that something else has got to be done. As my friend opposite himself said, it may be necessary to do something, and that something, I hope, will be done in the Select Committee. My own suggestion to my friend, Sardar Sant Singh, and to everybody else is this, that there ought to be some provision to the effect that if a Magistrate does not follow the rules strictly, he himself should be punished with six months rigorous imprisonment. The funny thing in our country is this, that the officials can do any wrong they like, they are always excused on the ground of *bona-fides*, while we non-officials are always held to be blameworthy even for the faults of officials ; and not until we have a penal provision of some sort which may hang like the sword of Damocles over the head of every Magistrate, namely, that he himself is liable to be put into prison if he puts other persons into prison without cause, can we have a really effective law ; and I trust that in the Select Committee my friend, Sardar Sant Singh, will see his way to improve his Bill in such a manner that the Magistrates will be made liable to imprisonment for their faults. I, therefore, support this motion for reference to Select Committee.

**Mr. Suryya Kumar Som** (Dacca Division : Non-Muhammadian Rural) : Sir, all important arguments have been advanced from common-sense and legal points of view, and my friend, Mr. Sri Prakasa, has also given his own personal experience to show the justification for this amendment. But, Sir, coming as I do from Bengal, I have my own experience of these remands. Sir, in Bengal from the year 1914 up to the time of the non-co-operation movement, say, till 1930, remands were wanted, not for producing evidence, but for creating evidence. I know personally many political prisoners were put in *Hajut* for a long time the police asking for remands, sometimes 15 remands were asked for and readily granted on the ground that the investigation was not completed, but really because the police wanted to create evidence,—there were attempts made by the police to get confession from some of the accused who sometimes numbered 12 or 13. In many cases we found that remands after remands were asked for, and at last one of the accused was made an approver, and on his evidence supported by some shady evidence, people were sent to jail for 8, 10 and 12 years. In ordinary cases I know the police took these remands not *bona fide*, but only with a view to create evidence. In many cases they had no evidence for seven or eight days. During remands, we could not get hold of the police papers. For some days together there was no evidence at all in murder cases which took place in broad daylight, but after seven or eight days the police diary showed a number of witnesses and other things. Of course, when these facts were brought out in the trial, the accused were naturally acquitted, the Judges holding that the witnesses were subsequently created either by the party or by the police, but that did not help the poor accused who were in custody for seven or eight months. These are some of the most important points which ought to be considered by the Select Committee. I thank my friend, Sardar Sant Singh, for bringing forward such a measure as this. This Bill ought to have been brought forward ten years earlier, for, in that case, many false cases and false prosecutions would have failed in Bengal. With these observations I appeal to all of you to support this motion.

**Sardar Sant Singh :** Sir, I do not want to take much of the time of the House but I will just say one word about my friend, Mr. Griffiths, who has so ably paraphrased the speech of Mr. Thorne today. He reminded me of an observation which I read in one of the essays in my college days, that is, that a lie oft repeated comes to be believed by the very person who invented it. He has been a District Magistrate in the Midnapore District and having had to deal with political cases and having tried to get over the procedure and the principles of law in his time he has come to believe that his views on the subject are the last word. My submission is that I have tried to meet all the objections that were raised by the Government in the last debate and I have tried to show that the Bill is a healthy one. It only puts into law what the practice has come to be and it will create a healthier atmosphere and create greater confidence in the administration of justice than has been the case. Fortunately we have amongst us our new Law Member who has been so ably working in the High Court of Calcutta. I understand that he has been administering criminal justice in an even-handed way. I would like to know his opinion on the subject and I hope we will get his valuable opinion in the Select Committee on the various provisions of the Bill. With these remarks I move that the Bill be referred to a Select Committee.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 167), be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. E. Conran-Smith, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. Abdul Qaiyum, Mr. M. Ananthasayanam Ayyangar, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. S. Aney, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Assembly divided :

AYES—66.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Abdur Rasheed Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Banerjee, Dr. P. N.  
Bhutto, Mr. Nabi Baksh Illahi Baksh.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chaudhury, Mr. Brojendra Narayan.  
Chettiar, Mr. T. S. Avinashilingam.  
Chetty, Mr. Sami Vencatachelam.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Mr. Govind V.

Fazl-i-Haq Piracha, Khan Bahadur  
Shaikh.  
Gadgil, Mr. N. V.  
Ghulam Bhik Nairang, Syed.  
Ghuznavi, Sir Abdul Halim.  
Govind Das, Seth.  
Gupta, Mr. K. S.  
Hans Raj, Raizada.  
Hegde, Sri K. B. Jinaraja.  
Ismail Khan, Haji Chaudhury Muhammad.  
Jedhe, Mr. K. M.  
Jinnah, Mr. M. A.  
Jogendra Singh, Sirdar.  
Joshi, Mr. N. M.  
Kailash Behari Lal, Babu.  
Lahiri Chaudhury, Mr. D. K.  
Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.

Misra, Pandit Shambhu Dayal.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.

Sham Lal, Mr.  
 Shaukat Ali, Maulana.  
 Sheodass Daga, Seth.  
 Sikandar Ali, Choudhury Maulvi.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Umar Aly Shah, Mr.  
 Varma, Mr. B. B.  
 Ziauddin Ahmad, Dr. Sir.

## NOES—42.

Ahmad Nawaz Khan, Major Nawab Sir.  
 Aikman, Mr. A.  
 Ayyar, Mr. N. M.  
 Bajpai, Sir Girja Shankar.  
 Bartley, Mr. J.  
 Bewoor, Mr. G. V.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chatterjee, Mr. R. M.  
 Clegg, The Honourable Mr. A. G.  
 Concan-Smith, Mr. E.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Danzen, Mr. P. R.  
 Faruqi, Mr. N. A.  
 Ghulam Muhammad, Mr.  
 Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Khushalpal Singh, Raja Bahadur.

Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.  
 Mukharji, Mr. Basanta Kumar.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Parkinson, Mr. J. E.  
 Rahman, Lieut.-Colonel M. A.  
 Ronson, Mr. H.  
 Scott, Mr. J. Ramsay.  
 Shahban, Mr. Ghulam Kadir Muhammad.  
 Sivaraj, Rao Sahib N.  
 Sundaram, Mr. V. S.  
 Town, Mr. H. S.  
 Tylden-Pattenson, Mr. A. E.  
 Walker, Mr. G. D.  
 Zafarullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

## MOTION FOR ADJOURNMENT.

## INCREASE IN THE INDIAN DEFENCE CHARGES.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Sir,  
 I beg to move :

“ That the House do now adjourn.”

The facts of this case are fairly simple but before I state them I really want to tell the House that it is impossible to speak on a motion of this kind with the restraint which ought to characterise all speeches in this Honourable House. One of the festering sores in the relations between England and India has been the enormous cost of the British Army in India which we calculate at about

4 P.M.



fifty crores a year, and of which between twelve and twenty-five crores is debitable to the British part of this army of occupation. Public opinion in this country has been consistently demanding that this expenditure should be cut down and the demand of the Indian National Congress has been that it should be cut down by onehalf. While the whole country was hoping and expecting that Britain in her anxiety to make herself strong against the other nations of the world would cut down the defence expenditure in India, we find that an attempt is being made to saddle India with further additional defence expenditure, the cost of which I am afraid even the Government of India do not know exactly today. Sir, this matter began as early as the 10th of March, 1938, when Mr. Hore-Belisha, the Parliamentary Secretary of State for War, in his speech on the Army Estimates, made out a case for various concessions against which the Government of India at that time I believe protested, but in spite of that protest those concessions have now come into force. I should like the Government, Sir, to give this House an accurate idea of the monetary value of all these concessions. Before I read out these actual concessions, Mr. President, I want to make a point which the British Secretary of State for War has conceded—a point which we have always made in this country and in this House. He began his speech by saying :

“ As will be seen from page 9 of these Estimates, there could—from troops raised in this country under a voluntary system—be mobilised in an emergency for action in the field, or perhaps I should say in the various spheres of our Imperial responsibility, over 500,000 soldiers. This number is exclusive, of course, of the 150,000 soldiers maintained by the Dominions ; of the Indian Army, which, with reserves, is about 170,000 strong. .... ”

Therefore, the British Government does accept this Indian Army as a part of their Imperial defence forces. Then he paid a lip compliment. He says there is a rigidity in altering the conditions of service for British soldiers and British officers because he says their establishment cannot be altered without India's consent :

“ Any change in their equipment must be similarly approved.... Indeed, the Government of India have represented the serious effect upon the Indian Budget and the increase in the cost of the British troops in India which must necessarily result from the various measures I shall today propose for the purpose of improving the conditions of service in the Army. ”

Sir, all those measures are specified here. I have not got the time to read them out, but I would refer Honourable Members to the Hansard debate report of the 10th of March, 1938, where they will find the various allowances like colonial allowances, marriage allowances, rations for the army, etc., totalling up to a sum which the Honourable the Secretary of State for War summed up by saying :

“ The proposals which I have announced for officers and men of the regular army amount to £1,600,000 apart from the building programme in 1938. ”

I should like to know from the Government how much of this burden has been cast upon the Government. Then, coming to a recent matter to which reference was made in the papers recently, we have now found one thing very definitely, Mr. President, viz., that these measures costing extra expenditure are to be enforced immediately in India. Mr. Hore-Belisha said in the House of Commons :

“ In general, these measures, including the new time-scale of promotion and incremental stages, will apply as from the ruling date to the officers of the British army on the Indian establishment. The consequential adjustments of Indian rates of pay issuable to the officers on the Indian establishment will be decided shortly. ”

[Mr. S. Satyamurti.]

I want to know whether the Government have agreed to these already, and what is the position. Again and again, we ask questions and we are told, "We cannot tell you anything", but today the Secretary of State for War in the House of Commons announces, without so much as your leave or the leave of the Government or of this House, that these new scales of pay and incremental stages will come into force immediately, with regard to all British officers and men serving in India. Sir, the Government of India may be a subordinate branch of the British Government; but if the Government of India have any self-respect, I think they must not yield to this kind of open tyranny even against their own considered judgment. I do not know what attitude the Government of India took up in this matter, but I have a cutting here from the *Hindustan Standard* which I will read out and I will leave it to the Government to contradict or to confirm it:

"The trend of the conversations has been throughout unsatisfactory due to the adamant refusal of the War Office to make any contributions towards Indian defence estimates on the three grounds urged by the Government of India. Sir James Grigg, Finance Member of the Government of India, has been equally determined in his representations on behalf of India. Sir James is reported to have conveyed to Whitehall that under no circumstances could the Government of India agree to add a single rupee to the present burden of military expenditure and a deadlock has prevailed for some time."

I am also credibly informed that His Excellency the Commander-in-Chief has been an ally of the Honourable the Finance Member in this matter and that both of them protested against the addition of a single rupee to our defence expenditure. And what are these concessions? The concessions are that His Majesty's Government thought it desirable to make the army career as attractive as possible and with this object in view they have made many changes. Then, he gives the effect of his proposals in the following terms:

"In future, every subaltern will become a captain in eight years, and every captain will become a major in a further nine years....Every officer entering at the normal age will be sure of approximately 10 years' service in the rank of major, if not previously promoted....The ages of retirement for each particular rank will be lowered. Generals and lieutenant-generals from 67 to 60, major-generals from 62 to 57, colonels from 57 to 55, lieutenant-colonels from 55 to 50 and majors from 50 to 47. The effect of these proposals is considerably to accelerate promotion and thereby to give increased pay at lower ages. In the subaltern ranks, however, in the years before the advantages of this acceleration begin to operate, there will be a substantive increase of pay in the case of second-lieutenants by 1s. a day, and of lieutenants by 1s. 2d. a day."

As my Honourable friend, Mr. Asaf Ali, reminds me, there are going to be non-effective charges also. Finally, he gave the example:

"Retired pay of £407-10s. per annum will be earned by a major at the age of 46, having 23 years' service, whereas an officer of the same age and similar service might have had to retire as a captain on retired pay of £271-10s. under the present regulations. These measures apply to all the combatant corps of the Army and will come into effect on 1st August."

It does seem to me that the British Government now seek to add to the defence expenditure of this country when, as I said, there is a universal demand throughout the country and there is no difference of opinion among Indians in this matter at all; and I believe, even the Europeans will agree that situated as we are when our Provincial Governments are starving, their nation-building departments are having no money and when even the Central Budget is trembling in the balance, I do venture to suggest, that we dare not agree to a single pice of defence expenditure being

added. On the other hand, our claim has been and will continue to be that they must pay the entire cost of the British portion of their troops and they should also bear a part of the cost of Indian troops. The British troops here are, I think, roughly one-third of the British effective army, and I have here the estimate that if all these concessions are given effect to, they will cost the British exchequer 360 thousand pounds a year extra, ultimately rising to 600 thousand pounds a year. I have with me that authentic figure. I want to know how much of it we are going to be compelled to pay.

Now, Sir, even from the Government's point of view, if they really want security in this part of the world, I think they may well remind themselves of the Prime Minister's statement that a friendly Ireland is a greater asset than the cost of protecting the Irish harbours. By all means, increase your army and increase your defence charges, but if the people of this country continue to be sullen, not all the British defence forces can secure your interests in India or in the Far East. You are driving the people of India to despair by the way in which you are trying to saddle us with this increased expenditure. Even according to the Gassan Tribunal on which two distinguished Indians served, we were saddled with expenditure for nine months' training as against six months, which we accepted. These two distinguished Indians differed. They also made a point which we have always tried to make in this country that the British army is part of the army of Imperial defences and, therefore, the British Government ought to pay a portion of the cost of their training and of their position here. I believe Sir Shadi Lal and Sir Shah Muhammad Sulaiman have both agreed in these remarks. They say :

" They constitute a reserve of experienced officers and men who are located at one of the most important centres of the Imperial interests and are available to the British Government for Imperial purposes. They are not a force having merely a moral effect, as the Expeditionary Force in Great Britain has been so far in relation to India, but a well-equipped and experienced Army which is ready to take action at once, and can be quickly despatched to a theatre of war to serve an Imperial interest. Since 1856-57, the British and Indian troops maintained by India have been employed by the Imperial Government on no fewer than fourteen campaigns outside the boundaries of India—India has been treated, to use the language of the late Lord Salisbury, as 'an English barrack in the Oriental seas'....Service in India affords the British troops valuable opportunities of active service in frontier wars. The experience thus gained in India tends to increase the general efficiency of the British Army and to enhance its value for purposes of war....The army in India is maintained and employed for hostilities on its frontiers. But these frontiers are mainly Imperial frontiers."

I, therefore, suggest, Mr. President, <sup>117</sup>that far from conceding our very rational and our very reasonable demand for reducing the military expenditure and for helping this country go forward, they now quietly, without even consulting this House, and I venture to assert without any fear of contradiction, in spite of the Government of India, have sought to impose upon this country burdens, the exact calculations of which I do not yet know, but which I should like to hear from the Government.

Now, Sir, on the general point, I want to say one word. Why are you keeping up this huge defence force ? You say for defending India. What is India ? Seven lakhs of villages with starving millions of people. Is it this India which you want to defend by piling up the military expenditure to about 52 crores a year ? I do not think that anybody can justify this expenditure on Imperial defence purposes being piled up on India like this. Now, I want to know what is the exact position. Have

[Mr. S. Satyamurti.]

the British Government made up their mind to impose this expenditure in India? Have the Government of India agreed? Have they surrendered, or are they going to keep quiet? What have these experts who were sent to England done there? Did the Viceroy and his Private Secretary take part in these conversations? I want to raise this point particularly because I have noticed recently that the Viceroys and other Government officials on leave go on carrying their functions there. It is an anomalous position to have a Viceroy here and a Viceroy on leave. What are their terms and conditions of services? How are they dealing with them? I want to know whether the Government of India have finally accepted this position and have surrendered. We do not know yet what is going to happen in the future. I understand the Air Minister of England is paying a visit to the Cochin port. What for is he coming? Are we going to open a new air base and are we going to be saddled with further expenditure? It seems to me that these are vital questions.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

**Mr. S. Satyamurti** : Sir, I want to conclude on this note. I trust the Government will not oppose this motion. I trust the Government will accept this motion. If they are honestly fighting this battle, they ought to welcome the support of this House. No Government ought to oppose a motion of this kind, not even the Government of India, and I have no doubt in my own mind that every Indian and I hope every European non-official Member of this House will solidly support this motion, which merely seeks to warn Great Britain that if you are going to lick Mussolini's boots and Hitler's boots in Europe you will lose your position in Europe and if you are going to tyrannise over us in this manner, you will soon lose this country in the East also. Therefore, be warned and do not add this insult to injury. You are already taxing us too much and we want more money for nation-building purposes. Do not hope you can fish in troubled waters. Neither provincialism nor communalism will help you. India will stand four square to all the winds that may blow on this matter. We want to warn England and her representatives here that if they succeed in imposing more military expenditure on us, the prospect of any friendship between India and England will become impossible. I, therefore, move that this House do now adjourn.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the House do now adjourn."

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : Sir, at this early stage I want to support the motion of my friend Mr Satyamurti, and I feel that I am voicing the views, not only of the Moslems of seven cities of the United Provinces which I represent, but also of the rest of Indian Mussalmans, with whom I am in touch every day of my life. I know that the feeling is so bitter and so strong at this time against the Government that I take this opportunity in my humble way and in as moderate a language as I can manage to bring the matter before the responsible persons in India and in England so that they may be warned in time. We cannot discuss what is happening in the holy places of Islam which have become the cock-pit

of fighting. We cannot even express our feeling with regard to Palestine and what is happening there in the interest of the foreign Jews. I know the Jews are some of the richest people in the world and they are out to create a war front in Palestine and nobody knows where this will end. There is no good of asking India to bear a portion of the additional cost. We cannot give one pice for any troops of any kind that might be employed to kill our own people in Palestine and Waziristan and put our sacred places in the hands of others. I know the Muslim feeling is very bitter over it. We do not want this imperialism to come and create bad feelings against us. We have no quarrel in Palestine or Waziristan.

**Mr. President** (The Honourable Sir Abdur Rahim) : Palestine is not now under discussion in this motion.

**Maulana Shaukat Ali** : But I want the Government not to spend any money of ours in killing our people in Palestine.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must not now deal at length with this matter.

**Maulana Shaukat Ali** : Then, how am I to impress upon the Government that what they are doing in Palestine is wrong ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must take some other occasion for it, not now on this motion.

**Maulana Shaukat Ali** : I submit that I do not want one pice of India to be paid to Mr. Hore-Belisha, who is a Jew, for killing my people living in Palestine or Waziristan. We, Indians, are poor people. We cannot bear this heavy burden. We are already paying very expensive salaries to the Britishers. We all feel it. I object to this payment not only on the score of money. India is proverbially a large-hearted country but unfortunately very poor. India has financed many losing concerns. We have financed every time the Government asked us. But now we cannot allow our money to be used in killing our own people. Therefore, I very strongly object to this expenditure. Further, I feel there is a great danger ahead of us. India has no enemies in the world. We, in India, had no enemies. We have no territorial ambition, we have no desire to conquer any other country. India is big enough for all our purposes and some day sooner than is expected, we will settle our petty differences in a friendly way. I want to create no enemies for my country. Our men are already groaning under heavy burden of taxation. The man power that we have is enough to defend our coast-line and our own country from foreign aggression. If you want to provoke wars outside, if you want to harass the Muslims in other countries, if you want to wage war in Europe to advance your imperial interests and if you thereby involve India in heavy expenditure of which there will be no end, I should raise my voice of protest against this. I, therefore, support the motion of my Honourable friend, Mr. Satyamurti, and I believe that I am thereby voicing the views of every Muslim man and woman in this country.

**Mr. A. Aikman** (Bengal : European) : Sir, it may not be quite such an easy matter to know if there have been marshalled all the facts which must be considered before a motion of this nature on such an important matter can be fully and fairly dealt with. For some years past the programmes on armaments expenditure of almost all the countries

[Mr. A. Aikman.]

of the world have been steadily rising until recently they have reached figures which may be termed "fantastic". Today the amount of expenditure on defence in this country cannot be described as other than out of all proportion to the resources of the country and this is to a great extent because of the sum we pay for British troops in this country—there are those who are of opinion that the Army in India is in excess of her needs. On the latter point I am not prepared to pit my opinion against the authorities whose training fits them to pass judgment.

Although there have been levelled against the Government in the past from time to time charges of extravagance it may be fairly said that not so very long ago they did make out a case showing that the security of the country did not admit of any further curtailment in military expenditure. This consideration may not affect directly the point at issue at the moment, but what the recent reorganisation in the British army does bring out is that the policy of His Majesty's Government on military matters can and does affect the finances of the Government of India in a manner which takes no account of this country's ability to pay.

It does not seem to me really useful at this stage to criticise the particular item of increased expenditure on which Mr. Satyamurti has based his motion, but it does give me an opportunity of emphasizing the point that my Group have so often stressed in the past, namely, the necessity for a thorough overhaul and revision of the arrangement under which the Government of India meets the costs of British troops in this country. Further it makes it abundantly clear that this revision is not only of vital importance to the country's finances but that it is long overdue and should be given the immediate attention of Government. One cannot but feel that the Government of India must have made *some* effort to resist this additional charge and it is difficult to appreciate how in the face of the figures which they were able to put forward and augmented by this new item, they failed to convince His Majesty's Government that their case (that of the Government of India) is sound and reasonable.

If my Group should decide not to support this motion it is because we feel that the additional charge is only one item in the already ponderous total which requires revision, and we do understand that a Committee in England has already commenced this task of overhauling the arrangements with His Majesty's Government, but on this point we await the Government's comments. What we want and would press for so far as expenditure on the British army in India is concerned is an entirely new deal with His Majesty's Government.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I do not like to question the arguments on account of which action is taken by the British cabinet about the reorganisation of the army. If they ask the older people and the people who are on the top to retire earlier, I do not contest. It is for the British Parliament to decide whether valour is more important than wisdom. It is not for me to discuss this question. There are only two points which I should like to press. Firstly, if the British Government have decided to raise the salaries and add to the prospects of the army officers, it is for them to do so. But they have got absolutely no right

without consulting us to increase the expenditure in the Indian budget. Now, this is a point on which this House ought to have been taken into confidence before the decision was announced. Secondly, the point on which I should like to draw the attention of the Treasury Benches and specially His Excellency the Commander-in-Chief is this, that in case you better the prospects of the British army in India and keep the Indian army in the old position, there will be great discontent among the Indian army. I think this is a very important point. Discontent in the Indian army is a thing which we cannot afford. Therefore, this cost will not only be the cost in the rise of pay of British soldiers in India but we must also count the proportionate increment of all the officers and soldiers who now serve in the Indian army. We must keep this in mind if we increase the pay of the British soldiers and if we do not keep the Indian army discontented. There will be discontent not only on the floor of the House but also in the country and in the army itself which really the British Government, especially His Excellency the Commander-in-Chief can never afford. I think it is a very serious matter to which we should pay considerable attention and should not accept the proposal. With these words, I support the motion.

**Mr. M. S. Aney** (Berar : Non-Muhammadian) : Sir, I do not want to inflict a long speech on this motion the justice of which will be obvious to anybody who knows Indian conditions and the state of Indian finances. The point is this. There is now before us a problem which is likely to involve us in a considerable increase of expenditure over the army. It is a well known cry which I believe is known to everybody on the Treasury Benches that the existing military expenditure has been considered and rightly considered as extravagant by Indian public opinion and condemned as such. Therefore, I was not surprised when this House was told by my Honourable friend, Mr. Satyamurti, that the proposals for additional military expenditure to be imposed upon us have been resisted with all the might which the Government of India possessed ; and that the additional burden is being now imposed on the Indian people in spite of them. If that is the truth I do not want to withhold my tribute to those who have so far fought our battle without our knowledge. But I want them to continue that spirit of fight with which they had begun ; and there should be no inclination to surrender because those who have the last word in this matter are adamant and irreconcilable.

Let the protest of the Government of India against these proposals which are likely to involve us in very extravagant expenditure over the army be continued by them and they will find that not only this House but the whole country outside will stand behind them. And if His Majesty's Government is going to assert its will in spite of the unanimous opinion of the Government of India and the Indian Legislature as well as the public outside, they will be creating a situation of which they will have to take account soon and to which they cannot afford to be indifferent for a very long time. The object of bringing this adjournment motion today is I believe evidently to inform not only the Government of India but also His Majesty's Government that the entire Indian nation as represented in this House resents any such infliction of additional expenditure on India. Secondly, let us know

[Mr. M. S. Aney.]

what justification there is for doing it. I can understand extra expenditure being incurred by the Indian people even at some sacrifice to themselves, if there is some justification for that expenditure. It has now practically been admitted by the Secretary for War in England as well as by others who are competent to pronounce an opinion on this subject that the British part of the Indian army,—in fact the whole of the Indian army,—is considered a part of the entire Imperial defence forces. If that is so, our grievance from the very beginning has been that a proportionate share of the expenditure which we have to incur is not being borne by the British Government. Unless a clear case is made out that there is an emergency now which requires the British Government to impose this expenditure we cannot agree to it, because in the best interests of India there is no other decision possible over this question. What I say is this : is there any danger now in which India and Indian people are going to be involved ? I suppose whatever danger there may be is a danger to the British Empire and not to the Indian people as such. Where is the need for having this expenditure over the British forces ? Now they are trying to make the conditions of service more attractive ; and why are they doing it ? Because they think the recruitment should be more rapid. If that were necessary in the interest of the British Empire I would not, as Dr. Ziauddin said, stand in the way of better payment to their own men. But they should do it at their own cost and not ask us to incur even a pie of that expenditure. The position is this. The advantage to be gained by whatever step the British Government will take later on will be that of the British Empire and Great Britain, while the present liability will be ours. That is a kind of inequitable division which we have been resenting from the very beginning in regard to this matter. I find that up to this time no Member of the Government Benches has spoken and so I do not know what they have to say. But I want to know two things. The first is, what is the exact amount of the burden that we shall have to incur, and secondly, what is the justification which at least has been *prima facie* shown by the British Government to add to our expenditure in this way. I want to know these two things ; and I am sure that whatever they will have to say cannot convince us on this point because, after all, we know our own conditions better and if an extra expenditure is imposed in this way and thereby our financial position which is already bad be made worse, the result will be that this Government will not be able to discharge its own legitimate duties to the people of this country in a proper way, and whatever little effort is being made by the Provincial Governments to serve the people will have no monetary support from the Government of India hereafter for want of funds. The position is already like that and you will be adding to the difficulties of the people. The discontented people here with an unbearable burden on their heads will create a situation which will counteract all the advantages which the British Government imagine they will gain by giving these concessions to the British Army Officers in this country. You can have a British army here but even a contented British army alone will be of no use to you if there is a discontented India behind it. I am sure you are taking one of the steps to add to the discontent which already exists. I, therefore,



think that the motion which has been moved by my Honourable friend, Mr. Satyamurti, in regard to this matter will be considered by Government as a step which should go to strengthen their hands ; and if we are right in understanding the attitude of the Government of India in this matter as being one of defending the interests of the Indian people, I think this will go to strengthen their hands and fortify their position. In that spirit they should not only not oppose this motion but accept it and let this go as a motion that has been unanimously carried by the House.

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, the conditions of military service in England seem to be very unattractive to the young people of that country, and the British authorities thought it fit to make them more attractive by giving them better allowances. They were perfectly justified in doing so and making the service more attractive so that people may come and join the army at a time when there is a danger of war in Europe ; but they cannot impose any extra burden on our country. Two or three years ago, when the military services were opened to Indian cadets, the conditions of service were made more unattractive than they were before 1934. In 1934, a Bill was introduced in this House which made a distinction in the matter of salaries for men recruited in India, and they would get a much lesser pay than what they would have got if they had passed their examinations at Sandhurst. Now, if we have got our own people to be recruited in more unattractive conditions, there is no reason why people from outside should come to this country to serve on more attractive conditions on the pay of this country. The arguments which were used by the military authorities and even the Army Secretary in favour of giving a lower salary to the Indians were that India could not afford to pay the same salary as was paid to the British officers recruited in England. If our own men recruited here cannot be given the same salaries as are given to British officers, then I submit that to give them better salaries here at this time, when we have no money, is most unjustifiable. The only solution under the present circumstances is that whatever extra burden has to be borne must be borne by the British Exchequer. I do not grudge the British officer getting a higher salary : that is no concern of mine as long as it is paid by the British Exchequer. But if it has to be paid from the revenues of India, we certainly have to object to it, and at present that is the unanimous voice of the country, and if what has been read out in the newspaper by my friend, Mr. Satyamurti, is true that the Government of India and the Finance Member and the Commander-in-Chief fought for India, I think they deserve the congratulations of this House and of this country, and I hope they will go on doing the same in future. But this House must express its opinion and that opinion is that we are not willing to shoulder any extra burden in this affair. We do not grudge these allowances being given to the British officers provided they come from the British Exchequer. With these few words, I support the motion.

**Mr. C. M. G. Ogilvie** (Defence Secretary) : Sir, I propose in the first place to try and clear away a few misunderstandings which I think exist by stating as clearly as I can, first, the position of His Majesty's Government in this matter and then our position ; and after I have

[Mr. C. M. G. Ogilvie.]

done that, to explain, so far as I am at present able to do, the action which we have taken and are taking. Mr. Satyamurti in the course of his speech admitted that the Secretary of State for War had realised the difficulties which were occasioned to him and to His Majesty's Government by the fact that a part of the British army is stationed in India and that he further recognised that India's financial resources were such as to be unable to bear large additional strains with equanimity. But I think it must be admitted that His Majesty's Government must be the authority for determining what the pay and conditions of the British army are to be. It should also, I think, be admitted that the pay and conditions of the British army should be the same in whatever part of the world they may happen to be serving in....

**An Honourable Member :** But not at our cost !

**Mr. C. M. G. Ogilvie :** .....and it is of course impossible that any authority other than His Majesty's Government should have the final say in that matter. I come now to our position in the matter.

It is not correct to say that we are allowed to make no representations on this score. We do, and His Majesty's Government goes to the greatest lengths it can, having in view the whole chess-board, to accept modifications which we propose as adapted to Indian conditions : but those modifications must necessarily be comparatively minor : it is obviously impossible that we should seek so to modify a scheme which His Majesty's Government have decided to be essential in the interests of the army of Great Britain as a whole—that such a scheme should be jettisoned on account of the objections of the Government of India. In this connection, I may remind the House that the pay of British troops in this country has been subject to fluctuations both up and down in comparatively recent times. It rose to very much above its present figure as far as pay is concerned in the years immediately following the war. In 1925, however, a reduction was made which it was calculated would ultimately benefit the Government of India by about 80 lakhs a year, when the 1925 troops had disappeared and I suppose they have now practically all disappeared. The increases that have now been given in the matter of pay do not wipe out that 80 lakhs we gained as a result of the 1925 cut. There have, however, been other considerable charges in addition to pay.....

**An Honourable Member :** Since when ?

**Mr. C. M. G. Ogilvie :** .... as a result of the recent changes initiated by the Secretary of State for War ; and it is not only the pay that we have to consider.

I have been asked to state the total cost of these changes both as regards the improvement in conditions of service of the ranks of the army and the more recent announcement as regards the officers. The figure is for other ranks for this year Rs. 122 lakhs : next year, which will be a full year, it will be Rs. 133 lakhs. That can be taken as the full and final figure. The full cost of the improvements made in the prospects of officers of the British service has not yet been so accurately worked out but, so far as we can tell at present, they will amount

in a full year to something like 20 or 21 lakhs of rupees. This year, of course, it will not be anything like that. So, the total cost in a full year will be roughly Rs. 1½ crores.....

**An Honourable Member :** What is the increase in non-effective charges ?

**Mr. C. M. G. Ogilvie :** As regards officers who are affected mainly as regards the non-effective charges, it is estimated that ultimately the additional cost will be £100,000 a year or roughly Rs. 14 lakhs : But that will not mature for a long time.

Well, now, although as I have indicated previously the modifications which we suggest do not very materially affect the financial issues involved, we are at perfect liberty to make representations to the effect that the strain placed on our slender resources is too great. I refer now to the answer given to a question in another place by His Excellency the Commander-in-Chief last April. He stated that the Government of India on their part had already represented to the Secretary of State for India the serious effect upon the Indian Budget of the increase in cost of British troops in India which must necessarily result from the various measures announced by the Secretary of State for War for the purpose of improving the conditions of service in the army. As a result of those representations, His Majesty's Government agreed that negotiations should be opened, and these were in fact opened last April. They are still going on, and the idea is to secure, as I think my friend, Mr. Aikman, said, an entirely new deal in the whole matter of defence expenditure in this country. Those negotiations are not concluded, and for the purpose of an announcement now, I can go no further than what was said by His Excellency the Commander-in-Chief on the 4th of April last, and by myself in this House on the 7th April last in answer to a question by Mr. Abdul Qaiyum. All that I can say is that the negotiations are still continuing, that they cover not only a very wide but an extremely technical ground, and that they embrace the issues of first class military importance. That being the case, I hope it will be admitted that this motion for adjournment is premature.....

**Mr. S. Satyamurti :** May I ask my Honourable friend one question if he will pardon me ? Have these increases of pay and these new conditions come into force for British officers and men in India or not from the day they came into force in England ?

**Mr. C. M. G. Ogilvie :** Yes, they have.

**Mr. S. Satyamurti :** Then what is the use of your negotiations ?

**Mr. C. M. G. Ogilvie :** The answer is that we hope that the new deal will help us to overcome the difficulties which we are now called upon to face.

There is only one other positive piece of information that I can give my friend, and that is of a negative character ; it is that the Minister for Air is not going to visit Cochin.

**Mr. M. Asaf Ali (Delhi : General) :** Sir, I was waiting for Mr. Ogilvie to lay all his cards on the table. Now we know exactly where we stand. To begin with, Mr. Ogilvie thinks,—I shall take his last point

[Mr. M. Asaf Ali.]

first,—that this adjournment motion is premature. I am afraid, Sir, it is a little too late. I only wish the Government had listened to us when we pointed out that from all the accounts we were noticing in the papers and had received from other sources it was perfectly obvious that India was going to be burdened with an almost intolerable addition of expenditure. They ought to have taken notice of it then, and perhaps they would have been able to put up a better fight if they had taken our advice. Perhaps, my friend, Mr. Ogilvie, may remember that as soon as this announcement was made, I came up to Simla and spoke to him on the point, but all I could get out of him was that the conversations between His Majesty's Government and representatives of Indian Government were of a technical and purely exploratory nature, and, therefore, he could not give me any further information.

**Mr. C. M. G. Ogilvie :** It is still true.

**Mr. M. Asaf Ali :** But our fears have now proved to be true, namely, that India today is burdened not merely with two crores to which he has referred, but with not less than four crores in effect, because these two crores will rise to four crores in 20 years. This is only just the beginning.\* What today is 1 crore 25 lakhs, in 20 years will rise to nothing less than four crores.....

**Mr. C. M. G. Ogilvie :** No, no.

**Mr. M. Asaf Ali :** You may say, 'No, no', but I look at the figures which Mr. Hore-Belisha has given us. Mr. Hore-Belisha says that this change alone regarding the officers' new time-scale of promotion, pay and pensions, effective and non-effective charges included, will mean £360,000 to £600,000 within 20 years. If one-third of that is put on us today, it will naturally rise in the course of 20 years. The Government of India cannot resist it unless they put their foot down now, or rather unless we put our foot down now. When I say unless we put our foot down, I am reminded of what Mr. Ogilvie started by saying. He said everybody must admit that, so far as defence expenditure is concerned, it is His Majesty's Government who must have the final say in the matter. Sir, the time has come now when we must tell His Majesty's Government that it is we alone who have the final voice in the matter and nobody else. We are not going to tolerate His Majesty's Government's decision or of anybody else's decision in this matter. If we are to defend our country, we alone must decide what we are going to pay our army, and we are not going to be burdened with the army of another country which has deteriorated in patriotism. They cannot defend their Home or Empire without additional pay and prospects, which no patriotic country would ever dream of. Mr. President, if anything has been proved to me by the decision of Mr. Hore-Belisha, in so far as England is concerned, it is that England's patriotism today is gone ; it is nowhere to be found. They cannot get men to fight for their own country without attractive pay and allowances, but we can, and we will get men to defend our country. If only they would leave us alone, we would defend our own country.

Sir, there is one other point that I should like to mention. Mr. Aikman was talking about the astronomical figures in which the expenditure of various countries is being counted nowadays. It is perfectly true. India, which is primarily an agricultural

country, the figure of 50 crores is really an astronomical figure. The average income in India today does not go beyond two annas a day per head, and to a man who does not get more than two annas a day, the sum of five hundred million is certainly an astronomical figure. Again, Sir, have they ever looked into the defence expenditure of other countries? Do you know what Japan, when she was not engaged in the recent conflict, was spending on her entire army? Today Japan is engaged with two big countries in a war, and yet what was she spending when her army was on a peace basis? Barely 30 crores a year. Before the Great War in 1913-14 the total strength of the Indian army was something like 1 lakh 54,000 Indians and 76,000 odd Britishers. And our total Defence Budget was of the order of 30 crores. The index number of prices of commodities was higher in 1913-14 than it is today. On what basis can you justify additional pay and allowances? The whole of the British Army in India is kept only for imperial purposes. If anything, we ought to be paid something for providing an ideal base for operations. They have got to protect their trade routes and India is regarded an ideal base for operations. We ought to be compensated for the use they are making of India instead of being burdened with all the expenditure they have saddled us with. I am not going to say anything very much more because I know the Leader of the Party has got to say a great deal more. This is more than enough for my purposes. I simply wanted to make it clear that His Majesty's Government has absolutely no right whatsoever to impose upon us any burden. We have got to find the money. It is Sir James Grigg who will come to us and say: 'will you kindly find the money'. We will not find the money for you. If we are going to be burdened with this expenditure we will not help you to find the necessary money.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, the motion before the House is intended to censure the Government of India regarding the defence charges as a result of the recent proposals of the British War Minister. Now, having heard the quotation from the *Hindustan Standard* which was read out by my Honourable friend, Mr. Satyamurti, instead of our censuring the Government so far as the Finance Member is concerned, it appears that he has been a doughty champion of our cause. It may be that the Government of India are resisting this and, therefore, we may not be able strictly, as I have said on another occasion, to carry the adjournment motion which means a censure on the Government of India, when some one else is responsible for it, but if we cannot hold the Government of India responsible, we must get hold of the culprit who is responsible and the culprit in this case seems to be the Secretary of State for India who is responsible to us as the Secretary of State for India. I, therefore, whole-heartedly support this motion in that sense and I hope that my European friends will reconsider their position and go into the lobby with us. This is an occasion when I appeal to them that they should not fail us. The position is this. It is a most painful situation and it is a vicious circle. I would like to know whether the Government of India knew about this before the decisions were taken by His Majesty's Government? I would like to know if they were informed beforehand or consulted. I see there is silence on the part of the Government and so far as this House is concerned, we are not in a very enviable position. We can only influence the Government. We do not enjoy responsible Government. Were we given any inkling beforehand about this ukase, this *firman* issued from the great Secretary of State for war,

[Mr. M. A. Jinnah.]

which was sanctioned by the Cabinet and passed by Parliament, that India should be burdened in a most arbitrary manner, even according to the figures which the Honourable Member gave us, roughly two crores. I think there is great force in Mr. Asaf Ali's argument that in the course of 20 years this will mount up to 600 thousand pounds as stated by the War Minister. Therefore, when that amount of 360 thousand pounds will increase, will it not automatically increase in proportion so far as the British officers are concerned and the British troops in India are concerned? Will it not follow? It seems that if that be so the burden will be much more than two crores.

**Mr. C. M. G. Ogilvie :** It does not, because the reason is that British troops are stationed here for a comparatively short time, five years or so, and then they go home. I do not think that we anticipate there will be any rise in the figures I have given.

**Mr. M. A. Jinnah :** I really cannot follow. As the British troops go after five years, are they not replaced?

**Mr. C. M. G. Ogilvie :** Yes, but they are British troops of approximately the same age and seniority, and so on.

**Mr. M. A. Jinnah :** I am not talking only of officers. Anyhow it is not a matter of importance to me for my present purpose. It may be three crores or it may be four crores but what we are concerned with is this. This is an arbitrary imposition upon the defence budget of our country which we cannot possibly bear and this House has further expressed its opinion over and over again that we at least want to bring this expenditure down to 45 crores. Even this we consider too much of a burden on this country, having regard to our finances and now we are saddled with this additional expenditure. One reason is, as the Secretary of State for War said :

“ Would he not, having fixed his garrisons so that each one of them, where its communications could be interrupted, should be maintained in peace at a strength adequate to discharge its defensive duties at the outbreak of war, aim at holding strategic reserve in a zone whence it could be directed most rapidly to those alternative places where security is most likely to be threatened.”

Sir, India in the Imperial defence is a strategic zone : and it is quite obvious, Sir, that, without India, I think we might say that the British Empire may be wound up. Now, therefore, it is admitted that the British troops and British officers are here, not for the internal security of India but for the Imperial defence, and if you wish really to increase the pay or allowances of the British soldiers or British officers, and it is all for Imperial defence, well, then, let England pay for it. Why do you want to burden India with it? What justification is there? So far as we are concerned in India, we have urged over and over again, that we do not want any British soldiers, we do not want any British officers, we say, “ Indianize the army and replace the British army ”. We do not want to indulge in this luxury. If we cannot get British officers, well, we have plenty of material in the country to serve us on our terms. Therefore, it seems to me that it is not only a question, as the Honourable the Army Secretary said, that the financial adjustment has to be made : in my judgment, the whole question of Indian defence requires examination, and I hope that at least the Government of India will realize, that it is not only a

question of financial adjustment, but I say, it is great deal more and the sooner you do it the better. It is the re-organization and the re-constitution and the Indianization of the army that is required also, and whenever we press this point and whenever we bring anything to Government's notice, the Government say, "oh, well, this cannot be done, that cannot be done". Have we not been urging over and over again that a committee of Members of this House should be appointed for the purpose of considering what are our requirements of defence, what we should do, how much we should spend? Never is any attention paid to that, since Skeen Committee 1926, and we are told, "how can you have people who do not understand the technique of the army to deal with this matter? We want experts, we want specialists, what is the use of having a committee of Members of this House?" Well if the Members of this House are in a position to give their verdict on those vital issues with regard to the re-constitution, the re-organization, the financial adjustment and so on and so forth, surely there are some men on this side who have got sufficient intelligence—with the help, if necessary, of experts and specialists—to decide as to what should be the attitude and our policy and programme that we should take up with regard to the financial adjustment, what should be our position with regard to the re-organization, the re-constitution and the Indianization of the army. Well, if the Englishman wants to have a pound to serve and if I can get my own countryman who is as good to serve for ten shillings, why should I not have him,—and for materials there are three hundred and fifty million in this country. I say the British Government and the Government of India have utterly failed in really effectively safeguarding the interest of India and advancing the progress of India upto the present moment so far as defence policy is concerned. Sir, I do not want to take up the time of the House. It is very difficult even to deal adequately within 15 minutes of time-limit with various matters but there is one point so graciously conceded to us in the words of the Honourable the Defence Secretary, Mr. Ogilvie. He says: "We are not prevented from making representations". He said: "It is not that we are not allowed to make representations to His Majesty's Government". I congratulate the Government of India and I congratulate this House that the Government of India is allowed to make and have already made representations. With what result? Here is a newspaper report—I do not know whether it is correct but it is a paper that is generally correct—as a rule, it is very careful, although it sometimes criticizes me very badly, it is the *Times of India* and this is what they say:

"These discussions have been proceeding throughout the summer, and the Secretary of State for India has had Sir Ivo Vesey, Chief of the General Staff, Sir Joubert de la Ferte, Air Officer Commanding in India, and Mr. Rowlands, Financial Adviser, to assist in the presentation of India's case. The discussions are understood to have concluded....."

**Mr. C. M. G. Ogilvie:** They are not.

**Mr. M. A. Jinnah:** I am thankful for that small mercy and wish the Government of India God Speed:

"Sir Ivo Vesey being due to leave for India in the coming week'. (This is from the issue of the 31st July.) 'No indication, however, is so far forthcoming as to whether or how far His Majesty's Government are prepared to compensate the Indian budget'."

[Mr. M. A. Jinnah.]

Well, Sir, after this, does the Member for Government, Mr. Ogilvie, really think that this motion for adjournment is premature? I think he has got plenty of sense of humour and I am sure when he said that it is premature, he means, and I am sure, he thinks it is fully ripe and that this motion ought to be carried unanimously. This is the only course open to us to mark our deep sense of condemnation of and pass severe censure on the Government of India which has for its head the Secretary of State for India who should have allowed His Majesty's Government to take the unjust decision under review.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhamadan Rural) : Sir, in so far as this motion is concerned, I think it was pointed out almost when the life of this Assembly began that one of the methods by which we can resent any action taken by the Secretary of State notwithstanding the helpless situation of the Government of India that this is a course open to us and that the Government of India ought to be thankful that we are giving them an opportunity of at least backing them in the helpless situation in which they find themselves. It is not therefore a motion in which arguments like those which were used yesterday are likely to be used and I am glad to find that beyond giving the figures of the imposed burden and a hope that the discussions are not concluded, the spokesman of the Government of India has said no more. We therefore find ourselves in a position in which we ought to make out a case—which I have no doubt the Government of India attempted to make feeling a sense of subservience which at all events this House need not feel and need not adopt. Reading the speech of the Minister for War, if ever there was any controversy as to the British portion of the army in India, the position is now accepted that the army in India is no longer an army maintained solely for the protection, internal and external, of India at all ; that it is, in the language of Mr. Hore-Belisha, one hundred and seventy thousand strong of five hundred thousand which the British commonwealth as a whole could put into the field and which he called sufficient if not more than an insurance for safety. I wish to recall to this House the majority opinion of the Committee that sat on a similar question of the contribution which we demanded, the capitation charges ; the majority opinion there was that the army in India is a force ready in an emergency to take the field at once which does not exist elsewhere in the empire, which is specially available for immediate use in the east and which has on occasion been so used, and, secondly, that India is a training ground for active service such as does not exist elsewhere in the empire. These findings have been for a long time more or less embedded in the memory of those who do not recognize their obligation in the matter of the increasing charges of which this House has complained, and for which even the opportunity of discussion was denied at the last Budget debate.

**The Honourable Sir James Grigg** (Finance Member) : You deprived yourself of it.

**Mr. Bhulabhai J. Desai** : Therefore, it is up to us to make our position quite clear on this motion, that it must not be understood merely as a protest against this extra imposition but that, while we object to this imposition, we are also objecting and maintaining our objection that the whole of the British element of the Indian army and the army in



India ought to be removed at the earliest possible opportunity from India, for the same Tribunal held by a majority that the extra cost to maintain the British troops in India over the cost of maintaining a corresponding number of Indian troops is estimated at 10 million pounds. The next finding was that the existing defence expenditure of India relating to the cost of British troops was 16 million pounds. It is, therefore, perfectly obvious that the amount of money which is taken from the Indian treasury and taken really against their wish and not in their interests is in the neighbourhood of 16 million pounds less 6 million pounds. That being the position, there is undoubtedly no justification whatever for an imposition of the kind of which we are speaking tonight. And how has the imposition come? It has come in this way. About the British army the Secretary for War points out: "Any change in their equipment must be similarly approved" and then he continues:

"As it is an essential feature of our distribution that units at home are interchangeable with units in India, the place of re-adaptation of the rest of the British army is influenced by the speed at which the Government of India find themselves about to proceed."

If any language can make this position clear that the army here is merely a part of the British army maintained at a convenient spot and a convenient base and for a more effective method of training, you could not have had a clearer admission of our case. That being so, so far the Government of India is concerned, with the return of their three representatives, the matter may be taken as concluded in the sense that from the 1st of August our money is being spent against our will and for a purpose not our own. In such a matter and in such circumstances the Government of India do not feel grateful to this House for coming to their aid, supporting them in their demand, so that even though the matter may be concluded as a matter of discussion, it will not be treated as concluded as a matter of obligation. I was also surprised at the position of my Honourable friend, Mr. Aikman. While he wanted that the whole of the charges of the army in India should be re-apportioned between England and India, a matter which when we first mentioned was almost laughed out by the Army Member who is present here and to a certain extent was supported, though not on this occasion, by the Honourable Sir James Grigg. It is a somewhat Irish argument coming from a Scotchman to say 'I am willing to admit that the whole of the burden is too high; I am willing that an adjustment should be made, but inasmuch as you are only discussing a part of it, I will not walk into your lobby'. I have never heard a more inconsistent or a more hopeless argument in order to justify an indefensible position. If you feel that the Indian money, in the taxation of which you also bear a portion, is being spent in a manner which another should bear, at least you ought to have the decency, the propriety, to vote against even the white man, who is imposing this burden upon us. We, therefore, recognise that on this occasion the position which the Government of India have taken up is right and deserves our support. It is not a matter of sympathy because the sympathy has no value. It is we who have to bear the burden. They can well enjoy their pays and pensions. It is, therefore, really and truly our case, and the more so, because the Government of India do not represent us today. We have now a case which the Government of India ought to present without any loss of

[Mr Bhulabhai J. Desai.]

time on the larger issue which my Honourable friend, Mr. Jinnah, has raised and which I support here. First and foremost, not only should this burden not be imposed but if you want a better equipped British army, by all means have it at your expense. Then, at all events, we would have got rid of an army of occupation and an army which is of use to you and an army for which you could not by any show of reason have taken any contribution from us. So far as the right and the duty of the self-defence is concerned, which alone will make our self-government real, we are prepared to shoulder our proper burdens. It is an issue which both publicly and privately I have ventured to raise in England in view of the Federation which may or may not be imposed, that we do not want a self-government in which we have merely a self-government dependent on others for our protection and support. We want a self-government in its true reality including the right and the duty and the training for self-defence. Therefore, so far as this motion is concerned the question is concluded. It is an imposition which nobody here accepts and with which nobody agrees. Nobody has even argued that it can be justified, but it has, I am glad to say, furnished an occasion for admissions of our larger claims and it is with that background that I ask the House to vote upon this motion.

**Mr. S. Satyamurti :** Mr. President, I shall be very brief in my reply. I have heard the Honourable the Defence Secretary in this House more than once and, although he is a civilian, he has very military manners and in answering questions and in making speeches he is always on the war-path. Today, I found him cooing like a dove, because he has been defeated and badly defeated and he dare not admit that defeat in public. He has made out an impossible case for an impossible Government. Now, Sir, the Government have been congratulated by almost every section of the House for standing up against this imposition. Then, why should they not resign ? Sir James Grigg is bound to go home in April, 1939. Why does he not go now and tell Hore-Belisha to his face that : ' I am not going to be a Finance Member of the Government of India when I am asked to present a military budget of three crores more because you won't listen to me ' ? And why don't these Indian Members of Executive Council walk out ? What are they doing there ? Are they Indians ? Every one of them is a rich man and they can go out and not only are they able to feed themselves but they can feed others. Why are they sitting here ? Have they got any self-respect and any patriotism ? So far as the civilian members of the service are concerned I quite realise that they are bound hand and foot, but so far as the Indians and the non-civilian members of the Government are concerned, I expect them to resign and to protest.

Then, Sir, the Honourable the Defence Secretary said that negotiations are going on. I do suggest to Mr. Ogilvie to remember that this House consists of very shrewd men, at least as shrewd as he, and when he tells us with his tongue in his cheek that the negotiations are still going on, and, in answer to my question, admits that the new scales of pay have come into force, there was something brewing which the Honourable Member did not say.

**Mr. C. M. G. Ogilvie :** I must protest against the insinuation of the Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not a proper expression.

**Mr. S. Satyamurti** : I meant no insinuation except this.....

**Mr. President** (The Honourable Sir Abdur Rahim) : No, no. Your expression was not parliamentary.

**Mr. S. Satyamurti** : I withdraw any insinuation.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : Sir, has the Honourable Member withdrawn his remark ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought to withdraw.

**Mr. S. Satyamurti** : I have already said that I have withdrawn. I am too much of a Parliamentarian. I believe in parliamentary privilege and parliamentary decorum, and the moment you said it was unparliamentary, Sir, I withdrew it. There is no need for the Honourable the Leader of the House to remind me. I know my duty.

Sir, I merely want to make this point that negotiations cannot be seriously going on when the proposals have already been accepted and are being given effect to. What is the use of these negotiations ? Are these negotiations going on now ? If so with whom ? Sir I made a categorical statement that the Honourable the Finance Member and His Excellency the Commander-in-Chief carried on a fight and I asked the Government to deny that. They have not denied that. Therefore, I presume they are carrying on the fight and from the trend of the speeches in this House, Sir, I must say that the Government now realise that there is not a single section of Indian opinion which is likely to be with Mr. Hore-Belisha in his proposals. Is that not enough ground for the Government of India to tell the Secretary of State that this will be a major quarrel in this country which they cannot settle and which they cannot manage. The Government of India ought to tell their masters, "If Lord Zetland can come and govern this country better, let him do so". After the speeches that have been made in this House and after the vote which will be recorded presently, the Government of India ought to warn His Majesty's Government that they cannot carry on the Government of this country, if they are to be treated in this disrespectful manner. Some figures were given about a crore and a half effective charges, and I repeat what my Honourable friend, Mr. Asaf Ali, and what my Honourable friend, Mr. Jinnah, have said that the Secretary of State for War has accepted that, in course of time, the cumulative effect of this extra pay will be £600,000 a year. Roughly one-third of the British army is kept in this country. I, therefore, claim that the ultimate cost to the Indian exchequer is going to be £200,000 and surely it is an item of expenditure which we cannot afford and we ought not to be allowed to incur. I was surprised to hear the Defence Secretary say : "we are allowed to make representations". May I ask, "is that the way any self-respecting Government will speak" ? Supposing England tried this with Australia or even tiny New Zealand. Would their Ministers get up in their legislatures and say, "we are allowed to make representations" ?

**Mr. C. M. G. Ogilvie :** Yes, Sir.

**Mr. S. Satyamurti :** No, Sir. No self-governing British possession today pays a tithe of the money which India pays for these British forces. No self-governing dominion will stand this nonsense from the British War Minister. It is only in India that the Defence Secretary gets up and solemnly says, "we are allowed to make representations". I say, it is not right. We must be allowed to decide this question here, and the Government must stand by us and see that these representations or negotiations have a clear effect. Mr. Ogilvie made one ominous statement. I do not know exactly what he meant by that : that these negotiations do not concern themselves merely with financial implications but also with issues of first class military importance. I do not know what they are. Sir, the habit of this Government is never to take this House into confidence at least until it is too late. If the Government had taken this House into confidence early enough when they knew all these proposals, I am sure they could have fought this battle much more successfully than they have done now. They chose to keep us in the dark. They would not answer questions. They have evolved a new principle that whenever they are in correspondence with the Secretary of State, they will not tell us anything. They often blunder, they will not take public opinion with them. They thought they were Goliaths and that they would be able to put up a brave fight with the Secretary of State. But they now find that they have been badly beaten. Today we want to warn the Defence Secretary and the Government that these issues of first class military importance ought to be shared with the Members of this House, and if it be not possible for strategic reasons to take the whole House into confidence, I suggest that they must at least consult the leaders of parties and take them into confidence and tell them what is being done. Otherwise, we shall be presented next year with another bill which will cost us much more than the present bill. I, therefore, feel that the Government ought to support this motion.

I want to repeat what the Honourable Member, Mr. Jinnah, and what our Leader, Mr. Bhulabhai J. Desai, said about the European Group's attitude. I want to utter them a friendly warning. Your cousins will not be very long here governing this country. We are going to govern this country very soon, much sooner than you imagine. When we so govern our country, we will not forget these continual wrongs you impose upon us by casting your votes on the unholy side. Remember that, and take a warning. If you cannot vote with us, be at least neutral. But if you want to walk into the Government lobby, I do say that we and those who come after us will neither forget nor forgive you. Remember that.

In conclusion, I ask the Government not to challenge a division on this motion. They must accept this motion. Let them say "no" gently, so that it may not be heard by the Chair. I do not mind this. If formality requires that they must obey their masters at Whitehall, let them gently say "no", so as not to be heard by you, Sir, and thus let the motion be carried without a division, and then it will be a warning to the British War Minister that he is doing more to undermine British Imperialism in India than even the Congress is doing. I welcome him as an ally of the Indian National Congress. Sir, I commend the motion for the acceptance of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the House do now adjourn.”

The Assembly divided :

**AYES—71.**

Abdul Ghani, Maulvi Muhammad.  
 Abdul Qaiyum, Mr.  
 Abdul Wajid, Maulvi.  
 Abdullah, Mr. H. M.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Ancy, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Azhar Ali, Mr. Muhammad.  
 Bajoria, Babu Baijnath.  
 Banerjea, Dr. P. N.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachelam.  
 Damzen, Mr. P. R.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Mr. Govind V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.  
 Gadgil, Mr. N. V.  
 Ghulam Bhik Nairang, Syed.  
 Ghuznavi, Sir Abdul Halim.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Jedhe, Mr. K. M.  
 Jinnah, Mr. M. A.  
 Chatterjee, Mr. R. M.

Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Lahiri Chaudhury, Mr. D. K.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Shaukat Ali, Maulana.  
 Sheodass Daga, Seth.  
 Siddique Ali Khan, Khan Bahadur Nawab.  
 Sikandar Ali, Choudhury Maulvi.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Umar Aly Shah, Mr.  
 Varma, Mr. B. B.  
 Yamin Khan, Sir Muhammad.  
 Ziauddin Ahmad, Dr. Sir.

**NOES—33.**

Ahmad Nawaz Khan, Major Nawab Sir.  
 Ayyar, Mr. N. M.  
 Bajpai, Sir Girja Shankar.  
 Bartley, Mr. J.  
 Bewoor, Mr. G. V.  
 Chanda, Mr. A. K.

Clow, The Honourable Mr. A. G.  
 Conran-Smith, Mr. E.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Faruqui, Mr. N. A.  
 Ghulam Muhammad, Mr.

Grigg, The Honourable Sir James.  
 Jawahar Singh, Sardar Bahadur Sardar  
 Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Lloyd, Mr. A. H.  
 Mackcown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Metcalfe, Sir Aubrey.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha  
 Nath.  
 Mukharji, Mr. Basanta Kumar.

Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Parkinson, Mr. J. E.  
 Rahman, Lieut.-Colonel M. A.  
 Ronson, Mr. H.  
 Sher Muhammad Khan, Captain Sardar  
 Sir.  
 Sundaram, Mr. V. S.  
 Tylden-Pattenson, Mr. A. E.  
 Walker, Mr. G. D.  
 Zafrullah Khan, The Honourable Sir  
 Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday,  
 the 10th August, 1938.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 10th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

**Mr. S. Satyamurti** : Sir, I have been authorised to put these questions (Nos. 89 and 90) on behalf of Mr. Satya Narayan Sinha.

#### MEMORIAL FROM THE BUDDHISTS OF CEYLON ABOUT THE CONTROL OF BUDDHA GAYA TEMPLE.

89. **\*Mr. S. Satyamurti** (on behalf of Mr. Satya Narayan Sinha) : Will the Honourable the Home Member please state :

- (a) whether the Government of India or the Government of Bihar and Orissa received in 1925-26 a memorial from the Buddhists of Ceylon, asking for joint control of the Buddha Gaya Temple by the Hindus and Buddhists ;
- (b) whether the Buddhists suggested any sort of legislation in their memorial ;
- (c) if so, what the opinion expressed by Government was ; and
- (d) whether he will please lay on the table of the House a copy of the memorial together with the reply of the Government ?

**The Honourable Mr. R. M. Maxwell** : (a) The Government of India received no such memorial. They have no information whether one was received by the Government of Bihar.

(b) to (d). Do not arise.

#### ACTION ON THE BUDDHA GAYA TEMPLE BILL.

90. **\*Mr. S. Satyamurti** (on behalf of Mr. Satya Narayan Sinha) : Will the Honourable the Home Member please state :

- (a) whether Government have taken any action on the Buddha Gaya Temple Bill after its introduction in 1936 ; and
- (b) if so, what action they have taken or propose to take ?

**The Honourable Mr. R. M. Maxwell** : (a) and (b). There has not been any occasion for Government to take any action.

POSITION OF MILITARY PENSIONERS IN RELATION TO THE CONGRESS.

†91. \*Sardar Mangal Singh : Will the Defence Secretary please state :

- (a) whether it is an offence or against the conditions of a military pensioner to vote for a congress candidate in the elections to any Provincial or the Central Legislature, or to a local body ;
- (b) whether a military pensioner can stand as a congress candidate ;
- (c) whether a military pensioner can become a member of any primary Congress Committee ;
- (d) whether Government are prepared to issue a *communiqué* explaining the real position about this matter, as great doubt and misapprehensions exist in the public mind ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). A military pensioner may vote for the candidate of any political party, or stand himself for election, or become a member of any committee or other organisation of any party, but it must be understood that active participation in any movement which aims at overturning the Government by unconstitutional or unlawful means may result in the forfeiture of pension.

(d) No. Government do not consider it necessary.

REMARKS ABOUT INDIAN ARMY MADE BY SIR PHILIP CHETWODE IN A SPEECH AT TROCADERO.

†92. \*Sardar Mangal Singh : Will the Defence Secretary please state :

- (a) whether the attention of Government has been drawn to the speech of Sir Philip Chetwode, *ex-Commander-in-Chief* of India, which he is reported to have made at the annual Indian Civil Service dinner at Trocadero on the 10th June, 1938, particularly to the remarks that those now taking commissions in the Indian Army were “ not of the right type ” and “ there must be no politics in the Army ” ; and
- (b) whether Government endorse these remarks ?

Mr. C. M. G. Ogilvie : (a) and (b). Government have seen the press report in question. They entirely agree with Field Marshal Sir Philip Chetwode's remark that there must be no politics in the Army. As regards his remarks about the quality of candidates for commissions in the Indian Army, Government agree that a considerable proportion of the candidates are not of the right type.

TENDERS FOR THE PRINTING AND DESPATCHING OF *Fauji Akhbar*.

†93. \*Bhai Parma Nand : (a) Will the Defence Secretary be pleased to state whether it is a fact that the Editor, *Fauji Akhbar*, Simla, invited during May, 1938, through a notice published in the press, tenders for the printing and despatching of copies of the *Fauji Akhbar* ?

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†Answer to this question laid on the table, the questioner being absent.



(b) Is it a fact that according to this notice no presses, except those located at Simla, Ambala, Meerut and Delhi were permitted to submit tenders for this work ?

(c) Will the Defence Secretary be pleased to state if any tenders were received from presses situated at places other than those mentioned in part (b) above and how these rates compared with the rates submitted by the other presses ?

(d) Will the Honourable Member be pleased to state the reasons for the exclusion of presses other than those situated at Ambala, Meerut, Delhi and Simla ?

(e) Will the Honourable Member be pleased to state at what hour a letter posted at Simla in the afternoon will reach Delhi, Meerut, Ambala and Lahore ?

(f) How are Meerut, Ambala and Delhi easier of communication with Simla than Lahore ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (c). Yes. Some of the rates from places excluded by the terms of the notice were lower.

(d) Because the Editor must have easy access to the Press.

(e) Normally the next day.

(f) They are not.

#### WITHDRAWAL OF PRESIDENCY TOWNS COMPENSATORY ALLOWANCES FROM CIVIL SERVANTS.

94. \***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

(a) whether he is aware of the news on page 9 of *The Hindu*, dated 17th May, 1938, that presidency towns compensatory allowances to civil servants have been withdrawn on the ground that they were no longer compensatory but a source of profit ;

(b) whether any of the civil servants concerned had protested against the withdrawal ; and

(c) if so, with what effect ?

**The Honourable Sir James Grigg :** (a) and (b). Yes.

(c) The matter is under consideration.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether this matter was raised in Parliament, and the Secretary of State represented that these additional concessions have been conceded to them again ?

**The Honourable Sir James Grigg :** The first part of the question is, I believe, correct—that somebody did ask the Under Secretary of State a question in Parliament ; but I am quite sure that the Under Secretary of State did not give any definite reply to the effect that the Honourable Member has suggested.

**Mr. T. S. Avinashilingam Chettiar :** May I know what they have been withdrawn if they are going to be conceded again ?

**The Honourable Sir James Grigg :** I think some of the civil servants concerned have a right of representation to the Secretary of State.

**Mr. S. Satyamurti :** With reference to the answer to clause (b), may I know in what form the protest has reached the Government of India, and whether these protests have been addressed to the Government of India and to the Secretary of State also, and if to the latter, with or without the knowledge of the Government of India ?

**The Honourable Sir James Grigg :** I cannot answer that without notice. My impression is that they were referred to us and were sent on to the Secretary of State.

**Mr. K. Santhanam :** May I know which Government was responsible for providing these allowances, provincial or central ?

**The Honourable Sir James Grigg :** Central.

**Mr. K. Santhanam :** In view of the fact that the pay of the civil servants has not been revised, while the pay of other services has been revised, will the Government consider the advisability of not restoring these compensatory allowances ?

**The Honourable Sir James Grigg :** I think the Honourable Member can draw his own conclusions from the fact that the Government of India originally withdrew them.

**Mr. S. Satyamurti :** May I know with whom the final voice rests in this matter ?

**The Honourable Sir James Grigg :** Over a portion of the field, with the Secretary of State.

**Mr. S. Satyamurti :** With regard to the part of the field which rests with the Government of India entirely, may I take it that the Government of India have no intention of restoring this concession ?

**The Honourable Sir James Grigg :** The Honourable Member must not assume more than I say.

#### TALKS GOING ON BETWEEN THE WAR OFFICE AND THE GOVERNMENT OF INDIA.

95. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

- (a) what are the matters over which talks are going on between the War Office of His Majesty's Government and the Government of India ;
- (b) whether any conclusions have been reached ;
- (c) if so, on what matters ;
- (d) whether it will effect any increase in expenditure from Indian revenues ; and
- (e) if so, to what extent ?

**Mr. C. M. G. Ogilvie :** With the permission of the Honourable the President. I propose to answer questions Nos. 95, 113 and 131 together

I refer the Honourable Members to the reply given by His Excellency the Commander-in-Chief in another place on the 4th April, 1938, and to the reply given by me in this House on the 7th April, 1938, to Mr. Abdul Qaiyum's short notice question on the same subject. Government are not yet in a position to add anything to those replies.

**Mr. S. Satyamurti :** With reference to the answer to question No. 131, may I know whether Government are pursuing in any active manner, with the British Government, the question of the cost of British troops now maintained in India ?

**Mr. C. M. G. Ogilvie :** The whole subject of defence expenditure is under discussion.

**Mr. S. Satyamurti :** I shall be grateful for some more enlightenment. I am asking, with reference to clause (a) of my question specifically, whether the cost of maintenance of British troops in India is being discussed with His Majesty's Government.

**Mr. C. M. G. Ogilvie :** These discussions, as I think the Honourable Member should be aware, largely arose because of the cost of maintenance of British troops.

**Mr. S. Satyamurti :** May I know what the specific answer to part (c) of my question is, whether Government have pressed on the British Government the need for their paying the entire cost of the British troops in India, so long as they remain here ?

**Mr. C. M. G. Ogilvie :** I can give no more specific answer than that I have already given.

**Mr. S. Satyamurti :** May I know whether Government have made any representations, "as they are at liberty to make", on this aspect of the question, namely, the British Government having to pay the entire cost of British troops in India ?

**Mr. C. M. G. Ogilvie :** I cannot answer that question categorically. I can only say that every aspect of the question is the subject of consideration.

**Mr. S. Satyamurti :** May I know whether the same answer covers the answer or the non-answer to clause (d) of my question, *viz.*, whether Government have taken up with the British Government or propose to take up the question of the cost of other troops being shared on a fairer basis between Britain and India ?

**Mr. C. M. G. Ogilvie :** The same answer that I have already given applies.

**Seth Govind Das :** By what date is it expected that these discussions would be concluded ?

**Mr. C. M. G. Ogilvie :** No definite answer can be given to that at this stage.

**Mr. Manu Subedar :** May I know if it is intended to take the leaders of parties in this House into confidence and place the Government of India's proposals now being considered in the United Kingdom before them ?

**Mr. C. M. G. Ogilvie :** I can make no forecast with reference to that.

**Mr. Manu Subedar :** It is no forecast. I am asking whether the Government of India intend to take party leaders into confidence.

**Mr. C. M. G. Ogilvie :** It is asking for a forecast. Government have not considered the matter at all.

**Mr. S. Satyamurti :** With reference to clause (b) of question No. 113, may I know who represented the Government of India at these inter-departmental talks, and whether the Viceroy now on leave, Lord Linlithgow, and his Private Secretary, Mr. Laithwaite, took any part in these discussions on behalf of the Government of India ?

**Mr. C. M. G. Ogilvie :** The names of the representatives of the Government of India have appeared in the press and were quoted yesterday by the Honourable Mr. Jinnah.

**Mr. S. Satyamurti :** May I know whether, apart from these representatives or in addition to them, the Viceroy now on leave took any part in these discussions on behalf of the Government of India ?

**Mr. C. M. G. Ogilvie :** I am unable to give any information on that subject.

**Mr. K. Santhanam :** With reference to the answer to part (c) of the same question, no answer was given : I want a specific reply.

**Mr. C. M. G. Ogilvie :** The Government of India have been in constant correspondence with the representatives.

**Mr. K. Santhanam :** That is not my question ; it is whether the representatives were under the instructions of the Government of India or under the instructions of the Secretary of State ?

**Mr. C. M. G. Ogilvie :** I am afraid I am unable to give you a specific answer to that question.

**Mr. S. Satyamurti :** May I know for elucidation, whether in matters where the Secretary of State for India and the Government of India differed, these representatives took their instructions from the Government of India or from the Secretary of State ?

**Mr. C. M. G. Ogilvie :** I am unable to enter into these details.

#### SITUATION IN THE WAZIRISTAN FRONTIER.

96. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

- (a) whether there has been trouble again in the Waziristan frontier ;
- (b) whether any casualties have occurred ; and
- (c) what has been the extent of the money spent in the actions taken in the Waziristan frontier in this financial year ?

**Mr. C. M. G. Ogilvie :** (a) Yes. I refer the Honourable Member to the press communiqué, dated the 19th May, 1938, and subsequent communiqués.

(b) Yes. 35 killed and 117 wounded.

(c) The extra expenditure incurred between 1st April and 30th June, 1938, as a result of the recrudescence of trouble in Waziristan amounts to about Rs. 10 lakhs.

**Mr. T. S. Avinashilingam Chettiar :** May I know what has been the cause of this fresh trouble ?

**Mr. C. M. G. Ogilvie :** I would refer the Honourable Member to the most detailed communiqué of May the 19th, and to also the score of such different communiqués as have appeared in the press.

**Mr. Abdul Qaiyum :** Is it not a fact that the trouble has been continuous without any break, if so, how does the Honourable Member describe the present trouble as fresh trouble ?

**Mr. C. M. G. Ogilvie :** There was certainly a break, I admit it was a short one.

**Mr. Abdul Qaiyum :** May I know from what date did this break occur ?

**Mr. C. M. G. Ogilvie :** I would again refer the Honourable Member to the last communiqué published on May the 19th.

**Mr. Abdul Qaiyum :** Is it not a fact that a number of people have been kidnapped from lorries plying in the two agencies in Waziristan ?

**Mr. C. M. G. Ogilvie :** I do not think that arises out of this question.

**Mr. Abdul Qaiyum :** It does arise out of this, Sir, because it relates to disturbances in Waziristan.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot ask that question.

**Mr. Abdul Qaiyum :** May I know if the tribal *lashkars* from Waziristan raided Bannu recently ?

**Mr. C. M. G. Ogilvie :** I don't see how it arises out of this question.

**Mr. T. S. Avinashilingam Chettiar :** May I know how much money has been spent after the 30th June, 1938 ?

**Mr. C. M. G. Ogilvie :** Not at present.

**Mr. T. S. Avinashilingam Chettiar :** Can he give an approximate amount ?

**Mr. C. M. G. Ogilvie :** No.

**Mr. S. Satyamurti :** May I know whether, in dealing with these troubles, the Government have ever consulted the N.-W. F. Provincial Government or whether they propose to do so ?

**Mr. C. M. G. Ogilvie :** No.

**Mr. S. Satyamurti :** Why not ?

(No answer.)

**Mr. Abdur Rasheed Chaudhury :** May I know what is the number of Britishers and of Indians who have been killed or wounded ?

**Mr. C. M. G. Ogilvie :** I shall require notice.

**Mr. T. S. Avinashilingam Chettiar :** May I know if the number of casualties given represent only the casualties on the Government side or they also represent the casualties on the civil side ?

**Mr. C. M. G. Ogilvie :** The figures given refer only to soldiers.

**Mr. Badri Dutt Pande :** What was the total number of troops engaged there ?

**Mr. C. M. G. Ogilvie :** I shall require notice of it.

**Mr. Abdul Qaiyum :** Did you have resort to bombing there ?

**Mr. C. M. G. Ogilvie :** I don't think how it arises out of this.

#### REORGANISATION OF THE PUBLIC INFORMATION BUREAU.

97. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Home Member state :

(a) whether Government have finished consideration of the Joyce Report to reorganise the Office of the Director of Public Information ;

(b) if so, what are the main proposals of reorganisation ; and

(c) what is the total cost of this reorganisation ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) So far as the staff is concerned, the effect of the reorganisation is to add one Administrative Officer and one Assistant Information Officer and to strengthen the ministerial staff.

(c) In the current year the cost will be less than Rs. 50,000. The cost, if all the new posts were filled for a complete year, would be about Rs. 58,000.

**Mr. T. S. Avinashilingam Chettiar :** May I know, out of the new appointments that were going to be made, how many men have already been taken ?

**The Honourable Mr. R. M. Maxwell :** The Assistant Information Officer is being recruited through the Public Service Commission. The Administrative Officer has already been appointed.

**Mr. T. S. Avinashilingam Chettiar :** Has he also been recruited through the Public Service Commission ?

**The Honourable Mr. R. M. Maxwell :** No, I do not think so.

**Mr. T. S. Avinashilingam Chettiar :** May I know the reason why one officer has been recruited through the Public Service Commission, and another directly by the Government ?

**The Honourable Mr. R. M. Maxwell :** He was promoted from an office as Superintendent of the office.

**Mr. Manu Subedar :** May I know what steps have been taken by the Honourable the Home Member to satisfy himself that the organization of this office, which is primarily for the use of the press representatives, is giving satisfaction to the press representatives ?

**The Honourable Mr. R. M. Maxwell :** I am afraid the Honourable Member will have to ask the press for that.

**Mr. Manu Subedar :** In view of the complaints which some of us are hearing sometimes, may I inquire whether the Honourable the Home Member or his Secretary would take the trouble to invite the press representatives and ascertain whether they are satisfied with the present organization or if they would like to suggest some small changes ?

**The Honourable Mr. R. M. Maxwell :** The Principal Information Officer is always ready to hear complaints from the press and to do all he can to meet them.

**Mr. Manu Subedar :** Supposing the complaints are against the Principal Officer himself, may I inquire.....

**Mr. President** (The Honourable Sir Abdur Rahim) : He cannot ask a hypothetical question.

**Mr. Manu Subedar :** I am only asking whether....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has already given an answer.

**Mr. S. Satyamurti :** May I know whether, as a result of the re-organization of the office, the system of giving subsidies to certain newspapers has been definitely given up ?

**The Honourable Mr. R. M. Maxwell :** No subsidies of any kind are paid on behalf of the Office of Director of Public Information to any newspapers or journalists.

**Mr. S. Satyamurti :** May I know whether any matter is being supplied from his office to certain "friendly presses", for special publication on behalf of the Government ?

**The Honourable Mr. R. M. Maxwell :** Not so far as I am aware.

**Mr. S. Satyamurti :** May I take it that all the newspaper agencies are treated equally and impartially ?

**The Honourable Mr. R. M. Maxwell :** Entirely.

**Mr. S. Satyamurti :** May I know whether all Government Departments are properly equipped and staffed for doing publicity work for Government ?

**The Honourable Mr. R. M. Maxwell :** No, Sir ; the office of the Principal Officer of Information exists for that purpose ; the other Government Departments are not so equipped.

**Mr. S. Satyamurti :** Have these Departments any press sense, and do they respond to the demands of this department with a view to canvassing public opinion to the extent to which that department can for the activities of all the other departments ?

**The Honourable Mr. R. M. Maxwell :** Ordinary Secretariat Departments are not expected to have a press sense, and it is for that purpose the Public Information Office exists.

**REMARKS ABOUT INDIAN ARMY MADE BY SIR PHILIP CHETWODE IN A SPEECH AT TROCADERO.**

98. **\*Mr. Brojendra Narayan Chaudhury :** (a) Will the Defence Secretary please state if his attention has been drawn to the report, dated the 10th June, 1938, from London, appearing in Indian daily newspapers, of the Annual Indian Civil Service Dinner, where Sir Philip Chetwode is said to have stated that those Indians now taking Army Commissions were not quite of the right class ?

(b) Do Government contemplate any further steps to get at quite the right class of persons ? If so, what steps ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) The nature of the steps to be taken is at present being actively considered, but no decision has yet been reached.

**Mr. Brojendra Narayan Chaudhury :** Will Government consider whether the nominations made by District Magistrates and other high officials for candidates for training are of the right type ?

**Mr. C. M. G. Ogilvie :** I don't think that arises out of this.

**Mr. Brojendra Narayan Chaudhury :** I am only suggesting an inquiry into the nominations made by District Magistrates and other high officials whether the nominations do not impede recruitment of the right type ?

**Mr. C. M. G. Ogilvie :** The competition is now entirely open and most of the steps which had already been taken in the past have been wiped out, but the whole matter, every aspect of it, is at present under consideration.

**Mr. S. Satyamurti :** With reference to (a) may I know, whether the Government have considered, in view of their answer "Yes", that Sir Philip Chetwode's remarks that those Indians now taking army commissions are not quite of the right class is a serious reflection on the Indian families of these officers, and will Government dissociate themselves from those remarks ?

**Mr. C. M. G. Ogilvie :** I think that Field Marshal Sir Philip Chetwode's remark which is quoted is divorced from the context, and that no reflection is intended on anybody. What he intended to say was, so far as I am aware, that some candidates presenting themselves were not of the right class to make officers in the army ; he does not say that they are a bad class in the very least, but merely said that some of them were not fitted for a military career.

**Mr. N. M. Joshi :** In view of the fact that some of the candidates did not belong to the right class, may I ask whether the Government of India will take steps to permit boys belonging to the poorer classes to be candidates for recruitment ?



**Mr. C. M. G. Ogilvie :** Boys of the poorer classes at present enter the commissioned ranks of the army through the ranks, but it must be accepted, I think, though perhaps I am answering more than I should do in a supplementary question, that boys who have not got a good education and the type of home life that comes with a certain amount of means are not likely to be able to hold their own in the commissioned ranks of the army.

**Mr. Abdur Rasheed Chaudhury :** What is wrong with the Indian officers who are said to be not of the right type at present.

**Mr. C. M. G. Ogilvie :** No more can be said than that a certain proportion are not suited to the life of a commissioned officer. That is all.

**Mr. M. Asaf Ali :** I understood the Honourable Member to say that Sir Philip Chetwode's speech did not really imply what is suggested here, in fact the quotation here is divorced from the context, but the quotation given is as follows—'Whether Sir Philip Chetwode is said to have stated that those Indians now taking Army Commissions were not quite of the right class',—not presenting themselves for,—'but now taking army commissions were not quite of the right class'. Do Government hold that view or dissociate themselves from it?

**Mr. C. M. G. Ogilvie :** Government certainly holds the view that a sufficient number of persons who appear for commissions and who ultimately get them are not altogether of the right class.

**Mr. M. Asaf Ali :** The expression used here is 'now taking Army Commissions'. Do Government dissociate themselves from that view?

**Mr. C. M. G. Ogilvie :** Government do not dissociate themselves from that view.

**Mr. M. Asaf Ali :** Then Government really mean to reflect on persons who are now holding King's Commission. Is that the view of the Government?

**Mr. C. M. G. Ogilvie :** I think that the Honourable Member is placing an unnecessarily harsh construction upon the affair. The fact is that a large number, a regrettably large proportion of the officers, have resigned and a number of others still serving find that army life is not altogether to their taste and a still larger number, a regrettably large number, endeavour to get out the ordinary line into departments, political and so forth and the conclusion that one has to draw is that a proportion of those now taking commissions are not of the right type, that would be a better word than the word 'class', to enter and adopt the army as a permanent career.

**Mr. M. Asaf Ali :** In view of the fact that Mr. Ogilvie has stated that a large number of persons who have taken King's Commission have resigned, may I ask him if it is not due to the fact that some of them have been treated exactly in the same way as Captain Lamba and the treatment meted out to them makes it impossible for them to continue in the army?

**Mr. C. M. G. Ogilvie :** I cannot contradict the insinuation made by the Honourable Member sufficiently strongly. I reject the insinuation *in toto* and as I should be unable to do justice to the subject in less than a long speech, I leave it at that.

**Mr. N. M. Joshi :** When the Honourable Member refers to the advantages of life which boys from the richer classes have over boys from the poorer classes, what exactly does he mean. Does he mean that the boys from the richer classes have the advantage of being able to drink and gamble and do something else.

**Mr. C. M. G. Ogilvie :** I dispute the Honourable Member's suggestion that the only advantages of comparative wealth are the ability to gamble and drink and I think that it may be taken as a general truth that those who have a certain amount of means are likely to be better educated in every sense of the word than those who are not.

**Mr. M. S. Aney :** May I ask whether the Honourable Member means that the class, caste or community from which these officers have come is not the class caste or community from which any recruitment should be made. Is that the implication ?

**Mr. C. M. G. Ogilvie :** No, Sir. It is definitely not the implication and I hope that the Honourable Member will get out all ideas of caste or community out of his head. I think that the chief reason for the misunderstandings which have arisen is the use of the word 'class'. The word should have been 'type'.

**Seth Govind Das :** The Honourable Member has said that a large proportion of these persons are not of the right type. Will he tell us what is that proportion which is not of the right type ?

**Mr. C. M. G. Ogilvie :** I cannot go into exact details but it is considerable. It is much greater than we would like.

**Mr. N. M. Joshi :** May I ask whether the Honourable Member and the Government of India will take steps to enable boys coming from well educated poorer classes to get into these military colleges by giving them scholarships.

**Mr. C. M. G. Ogilvie :** There are already a large number of scholarships and opportunities do exist for well educated boys of the poorer classes to obtain commissions but the main point is that comparatively few of them are well educated.

**Maulvi Abdur Rasheed Chaudhury :** Is it not a fact that the outburst of the late Commander-in-Chief was definitely intended to debar Indians from entering the commissioned ranks and thereby delay Indianisation ?

**Mr. C. M. G. Ogilvie :** The late Commander-in-Chief had never any such intention whatever in any shape or form and no one could have devoted more care and attention to this problem than he.

**Mr. S. Satyamurti :** Have Government examined in any proper manner the causes for the "regrettably large number", I am using the words of Mr. Ogilvie, of cases of officers who have either resigned or want to take to other avocations, and have they arrived at any conclusions ? Will they appoint a committee of this House to go into the

whole question and satisfy this House that this regrettable tendency is not due to ill-treatment but merely, as Sir Philip Chetwode said, because they are not of the right type ?

**Mr. C. M. G. Ogilvie :** As I have already said, the whole question is under the most careful, active and sympathetic consideration. As to future developments with regard to the consultation of the members of this House, the Honourable Member, I think, is wishing to forecast the results of my answer to a Resolution which has been tabled and will shortly come up for discussion. I would ask him to wait until then, when I shall give him a full and proper answer.

RULES FOR THE GRANT OF LEAVE TO GOVERNORS OF PROVINCES AND  
EXECUTIVE COUNCILLORS OF THE CENTRAL GOVERNMENT.

99. **\*Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether there is any rule governing the grant of leave to Governors of Provinces and Executive Councillors of the Central Government ;
- (b) whether, under the rules, a Governor or Executive Councillor can take leave for any length of time on full pay ; and
- (c) whether the grant of leave is entirely at the discretion of the Governor General ?

**The Honourable Mr. R. M. Maxwell :** (a), (b) and (c). I would refer the Honourable Member to paragraph 2 of the Letters Patent constituting the office of the Governors of Provinces, paragraph 8 of the Government of India (Governors' Allowances and Privileges) Order, 1936, and section 86 in the 9th Schedule to the Government of India Act, 1935, copies of which are in the Library. The leave allowance of the Members of the Governor General's Executive Council is Rs. 3,333-5-4 per mensem.

**Seth Govind Das :** When a Governor goes on leave, does he ever think of going to an Indian health resort ?

**Mr. Sri Prakasa :** May I know if Provincial Ministers are included among the Executive Councillors ?

**The Honourable Mr. R. M. Maxwell :** No.

**Mr. S. Satyamurti :** Is there a convention by which Governors and Governors General must go on leave for four months during their tenure of office and that civilians must get a chance to act as Governors ?

**The Honourable Mr. R. M. Maxwell :** I am not aware of any such convention.

**Mr. S. Satyamurti :** For the last ten years, to my knowledge, civilians get a chance to act as Governors when the latter go on leave. Is there a convention by which Governors must go on leave so that civilians can act, one after the other ?

**The Honourable Mr. R. M. Maxwell :** I am not answerable for the private arrangements of Governors of Provinces.

**Mr. S. Satyamurti** : I am asking whether these civilians bring pressure to bear on these unfortunate Governors to go on leave, so that they may get an opportunity to act.

### EXCHANGE RATIO.

100. **\*Seth Govind Das** : Will the Honourable the Finance Member please state :

- (a) whether Government are contemplating the alteration of the exchange value of the rupee ;
- (b) if not, the resources available at present to justify the continuance of the ratio exchange ;
- (c) whether it is a fact that the sterling resources in the bank department of the Reserve Bank have been considerably depleted during the last several months from about twenty-five crores in April, 1937, to about two crores of rupees at present ;
- (d) whether it is a fact that the committee of the Indian Chamber of Commerce, Calcutta, have objected to the drawing of bills from paper currency reserve for maintaining the present rate of exchange and other methods of contraction of currency of credit ;
- (e) whether Government consulted the various Provincial Governments in the matter of lowering, or maintaining the present exchange ratio ; and
- (f) if not, their reasons ?

**The Honourable Sir James Grigg** : (a) to (f). I would invite the attention of the Honourable Member to the communiqué issued by Government on the 6th June, 1938, and the published weekly accounts of the Reserve Bank of India.

**Mr. S. Satyamurti** : May I know whether Government are considering the question of supplementing the information, because I believe that Government also believe in educating public opinion in this country ?

**The Honourable Sir James Grigg** : That is a large question. I have on various occasions tried to educate public opinion, not always to the gratification of Honourable Members opposite.

**Mr. S. Satyamurti** : "Monkeying with the ratio" has become an immortal phrase. Apart from that, however, may I know, whether Government will publish an objective statement of the pros and cons of the present ratio and the reasons why they refuse to change the ratio in order to attempt to convince public opinion in this country ?

**The Honourable Sir James Grigg** : Well, that is a large question ; I am prepared to talk to my Honourable friend about that outside.

**Seth Govind Das** : Are Government aware that there has been a lot of agitation as far as changing the ratio is concerned, and have they revised their attitude after June last ?

**The Honourable Sir James Grigg :** The answer to the last part of the question is no.

**Mr. T. S. Avinashilingam Chettiar :** What are the answers to clauses (d) and (e), Sir ?

**The Honourable Sir James Grigg :** I have not answered clause (d) for the simple reason that I do not understand it ; there is no such thing as a Paper Currency Reserve now.

**Mr. T. S. Avinashilingam Chettiar :** With regard to the answer to part (e), may I know whether they were consulted at all ? I do not want the details of the correspondence. Were they consulted at all ?

**The Honourable Sir James Grigg :** I am not prepared to answer that.

**Mr. T. S. Avinashilingam Chettiar :** Have any Provincial Governments made any representations in this behalf ? If so, what are these ?

**The Honourable Sir James Grigg :** That is the same question.

PENSIONS FOR INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

101. **\*Mr. N. M. Joshi :** Will the Honourable the Finance Member be pleased to state :

- (a) whether his attention was drawn during the discussion on a Resolution in the Legislative Assembly in 1937, regarding certain deficiencies in the rules for pensions for inferior servants of the Government of India ;
- (b) whether he has given consideration to this subject since the discussion of that Resolution ; and
- (c) whether he has come to any decision, and, if he has, what is the decision ?

**The Honourable Sir James Grigg :** (a), (b), and (c). The revised pension rules were issued in 1936 and in my view it is still too early to undertake any further revision.

**Mr. N. M. Joshi :** May I know when the proper time is likely to come ?

**The Honourable Sir James Grigg :** I should think not in the next nine months.

LOTTERY TICKETS SOLD BY THE TOURIST AGENCY IN CONNAUGHT CIRCUS, NEW DELHI.

102. **\*Bhai Parma Nand** (on behalf of Mr. Lalchand Navalrai) : (a) With reference to my starred question No. 1658, asked on the 16th April, 1936, will the Honourable the Home Member be pleased to state whether legal action, then contemplated, was taken against the Tourist Agency which was selling lottery tickets in Connaught Circus, New Delhi ?

(b) Is that Agency, or one similar to it, doing business in lottery in New Delhi ? If so, what steps do Government propose to take against them ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) The information has been called for and will be supplied when it becomes available.

#### LOTTERIES AUTHORISED BY GOVERNMENT.

103. **\*Bhai Parma Nand** (on behalf of Mr. Lalchand Navalrai) : (a) Will the Honourable the Home Member be pleased to state which kind of lotteries have Government authorised in India and to which person or persons and for what reasons ?

(b) Is the Honourable Member aware that the press deprecates the many spurious lotteries that have sprung up all over India by which public are being swindled on a large scale ? If so, what steps do Government propose to take to stop such bogus lotteries ?

(c) Are Government aware that in Sind a state lottery has been started, the proceeds of which would be utilised by Government in various public charities in the Province ?

(d) Are such lotteries started by the Government of India and other Provincial Governments also ? If so, have Government sanctioned such lotteries ? If so, under what conditions ?

**The Honourable Mr. R. M. Maxwell :** The Government of India have authorised no lotteries. I have no information about lotteries, if any, authorised by Provincial Governments, other than the Sind Government. In view of the Honourable Member's allegation about the Sind Government I have made enquiries and find that no State lottery has been authorised by that Government. It is not for the Government of India to take steps if illegal lotteries are run in Governors' Provinces.

**Seth Govind Das :** Is there any rule prohibiting lotteries in aid of foreign institutions which are generally subscribed in India ?

**The Honourable Mr. R. M. Maxwell :** Section 294-A of the Indian Penal Code applies in certain cases.

**Prof. N. G. Ranga :** Are any steps to be taken to prohibit these lotteries being indulged in in different parts of India ?

**The Honourable Mr. R. M. Maxwell :** That depends on Provincial Governments now.

**Mr. Sri Prakasa :** Is it not a fact that District Magistrates run lotteries in order to sell off their cars before they retire ?

(No answer.)

#### CERTAIN INFORMATION IN RESPECT OF THE TRAINING OF INDIANS IN CERTAIN MILITARY COLLEGES.

104. **\*Mr. M. Asaf Ali :** Will the Defence Secretary please furnish the following information in respect of the training of Indians in (i) Sandhurst, (ii) Woolwich, (iii) Cranwell, and (iv) Indian Sandhurst (Dehra Dun) :

(a) how many Indians have been admitted to each of these institutions during 1934-35-36-37-38, and how many of the successful candidates are serving in the Indian Army now ;

(b) what amount India pays annually to the institutions mentioned in (i), (ii) and (iii) for the training of Indian Cadets, and what is the average annual expenditure on each Indian in (i), (ii) and (iii) above ; and

(c) how such cost of training compares with similar cost in Germany, Italy and Japan ?

**Mr. C. M. G. Ogilvie :** (a) Since the inception of the Indian Military Academy, Dehra Dun, in 1932, Indians have not entered the Royal Military College, Sandhurst, or the Royal Military Academy, Woolwich.

I lay on the table a statement showing the number of Indians admitted to the Indian Military Academy, Dehra Dun, and the Royal Air Force College, Cranwell, during 1934-38, and the number now in service.

(b) The cost of training an Indian cadet at Sandhurst and Woolwich in 1931 was £677, of which £477 was paid by the parent or guardian and £200 by Government. The amount paid annually for training of Indian cadets at Cranwell depends on the number of candidates. The average expenditure per Indian cadet is Rs. 16,750 a year, which is a concessional rate.

(c) Government have no information.

*Statement showing the number of Indians admitted to the Indian Military Academy, Dehra Dun and the Royal Air Force College, Cranwell, during 1934-38, etc.*

Year.	Indian Military Academy, Dehra Dun.			Royal Air Force College, Cranwell.	
	Admitted.	Passed out.	Now serving.	Admitted.	Now serving.
1934 .. ..	69	..	..	2	1
1935 .. ..	75	47	45	..	..
1936 .. ..	69	54	53	2	2
1937 .. ..	66	55	55	..	..
1938 .. ..	60	59	59	3	3
Total ..	339	215	212	7	6

Number still under training—159 for the Indian Army, and 43 for Indian State Forces.

**Mr. M. Ananthasayanam Ayyangar :** Does this figure of Rs. 16,750 include the charges for training and tuition ?

**Mr. C. M. G. Ogilvie :** Yes.

**Prof. N. G. Ranga :** Is any portion of this big sum being met by the Government of India ? If so, what proportion ?

**Mr. C. M. G. Ogilvie :** Yes, a very large part of it.

**Prof. N. G. Ranga :** What is the approximate extent of it ?

**Mr. C. M. G. Ogilvie :** Of this sum, Rs. 1,667 is borne by the parent, and Rs. 15,083 by the State.

**Mr. M. Asaf Ali :** With regard to the answer to part (c), the Honourable Member said that the Government have no information. Have Government tried to collect the necessary information for the facility of intending candidates who would like to be trained in any of these countries—for instance, Germany, Italy or Japan—if it happens to be cheaper there ?

**Mr. C. M. G. Ogilvie :** There is no possibility whatsoever of Germany, Italy or Japan allowing the training of non-nationals in their military, naval or air establishments.

**Mr. K. Santhanam :** With regard to the answer to part (b), are any steps being taken by the Government of India to train air pilots here in India itself ?

**Mr. C. M. G. Ogilvie :** So far, no exact conclusions have been come to in that matter. At present not sufficient facilities exist in this country for training an air pilot.

**Mr. K. Santhanam :** Am I to understand that this matter is receiving the active consideration of the Government ?

**Mr. C. M. G. Ogilvie :** It is.

**Mr. T. S. Avinashilingam Chettiar :** What is the proportion which has not taken to army life, after training ?

**Mr. C. M. G. Ogilvie :** The figures I have given in a statement which is to be laid on the table.

**Mr. T. S. Avinashilingam Chettiar :** What is the total number ?

**Mr. C. M. G. Ogilvie :** It is somewhat complicated. In the first year those who took commissions did not come from the Academy. They came from Sandhurst, but in these years 215 officers have passed out, of whom 212 are now serving and 159 are still under training.

**Mr. M. Asaf Ali :** Is the Honourable Member aware whether any candidates go from any of the Dominions for training to Sandhurst, Cranwell or Woolwich ?

**Mr. C. M. G. Ogilvie :** The Dominions have their own military academies. About Cranwell I should require notice ; I am not sure.

#### MAXIMUM RATE OF PAY FOR CERTAIN ARMY CLERKS.

105. **\*Mr. M. Asaf Ali :** (a) Will the Defence Secretary be pleased to state whether it is a fact that :

- (i) none of the R. I. A. S. C. Clerks (Sy. and A. T.) who retired on superannuation pension during the last twelve years could reach the maximum rate of pay laid down for them (*viz.*, Rs. 375) in A. I. I. No. 863 of 1923, or even thereabouts ;



- (ii) representations submitted from time to time since 1923 both by individuals and by the R. I. A. S. C. Civilian Association, requesting re-adjustment of grades with a view to making the maximum reachable by the clerks then in service, have not so far met with success ;
- (iii) the Memorial submitted by the R. I. A. S. C. Civilian Association to His Excellency the Viceroy and Governor General in India on the 1st September, 1934, was turned down ;
- (iv) a subsequent Memorial submitted by the R. I. A. S. C. Civilian Association addressed to the Secretary of State for India in Council on the 22nd August, 1935, was withheld by the Government of India ; and
- (v) the R. I. A. S. C. Civilian Association has submitted a further representation to the Government of India (on the 11th January last), in which all the statements made by the Government on which their decision was based, have been challenged ; and that the Association has now submitted authenticated particulars in support of their demands ?

(b) If the replies to part (a) (i) to (v) above be in the affirmative, will Government state what action they are taking to meet the demand of the R. I. A. S. C. Civilian Association, which is to the effect that Government should make the maximum grade of Rs. 375 reachable, which Government themselves laid down for them ?

(c) If no action is being taken, why not ?

**Mr. C. M. G. Ogilvie :** (a) (i) to (iv). I refer the Honourable Member to the reply I gave to Bhai Parma Nand's starred question No. 1336 on the 12th of April, 1938.

It will be seen from information subsequently provided and laid on the table that two clerks have reached the maximum and two have approximated thereto.

(a) (v) and (b). The representation of the Royal Indian Army Service Corps Association is receiving consideration but an early decision is unlikely.

(c) Does not therefore arise.

#### APPOINTMENT OF BRITISH OTHER RANKS AS OFFICE SUPERINTENDENTS IN THE SUPPLY AND TRANSPORT BRANCH OF COMMAND HEADQUARTERS.

106. **\*Mr. M. Asaf Ali :** (a) Will the Defence Secretary be pleased to state whether it is a fact that :

- (i) British Other Ranks of the R. I. A. S. C. are at present employed as Office Superintendents in the Supply and Transport Branch of a Command Headquarters which consists entirely of Indian clerks ;
- (ii) normally the senior Indian clerk in the Supply and Transport Branch of a Command Headquarters is designated as Head Assistant, but the duties and functions of the appointment

of the Head Clerk are, in practice, performed by the British Superintendent ; and

- (iii) the Government are aware that the Indian clerks of the R. I. A. S. C. have strong feelings against the policy of employing British Other Ranks as Office Superintendent in the Supply and Transport Branch of a Command Headquarters, and that they have expressed this feeling through resolutions passed at the several Annual Conferences of the R. I. A. S. C. Civilian Association ?

(b) If the replies to parts (a) (i) to (iii) be in the affirmative, will Government state whether they propose to consider the question of allowing Indian Head Assistants to function as Office Superintendent, instead of British Superintendents ?

**Mr. C. M. G. Ogilvie :** (a) and (b). I refer the Honourable Member to the reply I gave to Bhai Parma Nand's unstarred question No. 186 on the 12th April, 1938.

#### EXCHANGE RATIO.

107. **\*Sardar Mangal Singh :** Will the Honourable the Finance Member please state :

- (a) which Provincial Governments have written to the Central Government, urging upon the latter to change the rupee exchange ratio from 1s. 6d. to 1s. 4d.; and
- (b) whether the Central Government have examined, or propose to examine, this question with a view to taking action on the lines suggested by some of the Provincial Governments ?

**The Honourable Sir James Grigg :** (a) Communications between Governments are confidential.

(b) I would refer the Honourable Member to the Government of India's communiqué of June 6th.

**Sardar Mangal Singh :** May I ask which Governments have written to the Government of India ?

**The Honourable Sir James Grigg :** Communications between Governments are confidential. If I tell the Honourable Member which Governments have or which Governments have not sent in any opinions, I am starting on the slippery slope which breaks the rule of confidentiality.

**Mr. S. Satyamurti :** Sir, the Honourable Member is taking the line that all correspondence between Provincial Governments and the Government of India is confidential and therefore no question will be answered. May I ask what is the extent to which this rule can apply ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Has the Honourable Member seen the letter which the Government have written ?

**Mr. S. Satyamurti :** A supplementary question is asked whether any Provincial Governments have addressed them on this matter and even to that the answer is " no ".

**Mr. President** (The Honourable Sir Abdur Rahim) : What did the Honourable the Finance Member say ?

**The Honourable Sir James Grigg :** I said that I was not prepared to say whether any Provincial Governments have addressed the Government of India or not.

**Mr. S. Satyamurti :** Have any Provincial Governments addressed the Government of India on the question of the rupee ratio at all ?

**The Honourable Sir James Grigg :** That is one of the questions which I am not prepared to answer.

**Mr. S. Satyamurti :** What is the public interest involved ? After all, the Provincial Governments function in this country.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair is not concerned with the question of public interest at all : the Chair has nothing to do with it. The Chair has only to regulate the proceedings according to the rules and standing orders. Whether a question can be answered or not in the public interest is a matter for the Government to decide.

**Mr. S. Satyamurti :** If the Government want to treat the correspondence with the Secretary of State on the one hand and the Provincial Governments on the other as confidential and no questions are to be answered on those subjects, then the scope of the questions is very much limited.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is a matter on which there may very well be considerable difference of opinion and I as the occupant of the Chair cannot say whether a reply should be given or not.

#### EXCHANGE RATIO.

108. **\*Sardar Mangal Singh :** Will the Honourable the Finance Member please state :

- (a) whether Government are aware of the fact that there is a strong public opinion in this country against the present exchange ratio ; and
- (b) whether Government are prepared to appoint a committee to examine the question of exchange ratio ; if not, what other course Government propose to adopt to solve this question ?

**The Honourable Sir James Grigg :** (a) I am aware that certain business interests are or have been conducting an agitation against the present ratio.

(b) The reply to the first part is in the negative. As regards the second part, I would refer the Honourable Member to the communiqué issued by Government on the 6th June, 1938.

**Seth Govind Das :** The Honourable Member has said that there are certain business interests which are against the ratio. Will the Honourable Member say whether there is any interest in India which is for this ratio ?

**The Honourable Sir James Grigg :** Quite a lot.

**Seth Govind Das :** Will the Honourable Member name those interests ?

**The Honourable Sir James Grigg :** People who conduct an agitation against the ratio are, in the main, the people who will benefit from the ratio, but they are not the majority or any appreciable number of the people of India.

**Seth Govind Das :** Has the majority, which the Honourable Member is referring to, expressed any opinion in this respect ?

**The Honourable Sir James Grigg :** I never said anything about expressing opinions. I was talking about their interests.

**Seth Govind Das :** How is it that the Honourable Member says that there are only certain business interests which are against the ratio ? I want to know which are those interests which are for this ratio ?

**The Honourable Sir James Grigg :** The Honourable Member did not understand or listen to my answer. My answer was not categorical. I said I am aware that certain business interests are conducting an agitation against the ratio.

**Seth Govind Das :** I want to know which are those interests which are for this ratio ?

**The Honourable Sir James Grigg :** I said quite a lot.

**Seth Govind Das :** I want to hear the names of those interests ?

**The Honourable Sir James Grigg :** You mean business interests ?

**Seth Govind Das :** I mean those interests which are for this ratio, whoever they may be ?

**The Honourable Sir James Grigg :** I imagine that if they knew the facts, the whole of the agricultural population of India would be for the present ratio.

**Prof. N. G. Ranga :** Is the Honourable Member aware that the *Kisans* who form a great majority of this country, are absolutely in favour of a change in this ratio ?

**Mr. President (The Honourable Sir Abdur Rahim) :** I understand there is a Resolution put down on this matter. This subject, therefore, should not be discussed now.

#### FALL IN THE RECEIPTS FROM CUSTOMS DUTIES.

109. **\*Sardar Mangal Singh :** Will the Honourable the Finance Member please state :

- (a) to what extent the receipts from customs duties have fallen this year as compared with the corresponding period of the last year ; and
- (b) what are the causes of this rather abnormal fall in the receipts from customs duties, and what steps Government have taken, or propose to take, to stop this fall ?

**The Honourable Sir James Grigg :** (a) I would refer the Honourable Member to the published revenue returns.

(b) I referred in my Budget speech to the fact that there had been some set-back in trade. How severe this will be and how long it will continue it is impossible to say. In June and July, there were some signs of a recovery not only in India but elsewhere. The second part of the question raises issues which cannot be adequately dealt with in a parliamentary answer, but I may say that the Government of India propose to abstain from all action which is likely to retard recovery.

**Mr. S. Satyamurti :** May I ask whether the Government are considering the particular question of the balance of trade between this country and other countries ?

**The Honourable Sir James Grigg :** Government are always considering this question.

**Mr. S. Satyamurti :** May I know what consideration they are giving to the unfavourable balance of trade which has been so marked in recent months and years in this country ?

**The Honourable Sir James Grigg :** I think the Honourable Member is exaggerating. The balance of trade has not been so good as in some previous years but it has certainly not been unfavourable.

**Mr. Manu Subedar :** May I inquire whether the Finance Member intends to revise the tariff schedule with a view both to protect Government revenues and to take into account all other considerations which are relevant thereto ?

**The Honourable Sir James Grigg :** I wish the Honourable Member will specify 'all other considerations' because then I would be able to expose the dilemma into which he always puts himself, namely, that if goods are kept out of India the customs revenue will decrease.

**Mr. Manu Subedar :** I reject with contempt the insinuation made by the Finance Member. I repeat the small supplementary. I would remind him of his own promise which he made when he came to this country. He then said that the tariff arrangements were all topsy-turvy and he would take the earliest opportunity to revise them. I am simply asking whether he has made up his mind or found time or whether he has the talents to take up this task and to finish it ?

**The Honourable Sir James Grigg :** The Honourable Member is quoting a statement of mine, which has been subsequently qualified to the extent that the time and circumstances were not favourable for a comprehensive revision of the tariff. I think I said that in my last Budget speech.

#### INDIANISATION OF THE STAFF OF THE IMPERIAL BANK OF INDIA.

110. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

- (a) whether the Imperial Bank of India had agreed to Indianise their staff ;
- (b) if so, whether Government receive reports from time to time about the progress of Indianisation in the Bank ;

- (c) whether in 1928 a resolution was passed by the Board of Directors of the Bank that no more non-Indians were to be taken up ;
- (d) whether three Europeans have been recently imported as Foreign Exchange Managers and Probationary Officers ; and
- (e) if so, the reasons for this departure from the resolution ?

**The Honourable Sir James Grigg :** I would invite the attention of the Honourable Member to the reply I gave to question No. 1026 on the 26th March, 1935.

**Mr. M. Ananthasayanam Ayyangar :** What is the answer to clause (d) ?

**The Honourable Sir James Grigg :** I would invite the attention of the Honourable Member to the reply I gave to question No. 1026 on the 26th March, 1935.

**Mr. S. Satyamurti :** Clause (d) of this question asks " whether three Europeans have been recently imported as Foreign Exchange Managers and Probationary Officers " and, therefore, to talk of 1935 is irrelevant.

**The Honourable Sir James Grigg :** Not at all. The Government have nothing to do with the domestic arrangements of the Imperial Bank of India.

**Mr. T. S. Avinashilingam Chettiar :** May I ask whether it is not the responsibility of the Government to see that the Resolution which was passed in 1928, when the Bank was under their control, is not superseded now ?

**The Honourable Sir James Grigg :** The Statute of the Imperial Bank of India has been completely altered since 1928.

#### SETTING UP OF AN AEROPLANE FACTORY IN INDIA AND TRAINING OF INDIANS.

111. **\*Mr. K. Santhanam :** Will the Defence Secretary be pleased to state :

- (a) whether recently a military mission went to the United States of America and Canada for making arrangements to supplement the production of aeroplanes in Britain for military purposes ;
- (b) whether it discussed with the Government of Canada proposals to set up more factories or subsidise existing factories in Canada for the production of such planes ;
- (c) whether any proposal is being considered to set up an aeroplane factory in India for the production of military planes for the use of the Indian Army ;
- (d) whether the Government of India propose to approach the British Government for assistance in the establishment of such factory ; and

- (e) whether it is considered politically undesirable to establish such a factory in India, or to train Indians in the processes of such manufacture ?

**Mr. C. M. G. Ogilvie :** (a) and (b). Government have no information other than what has appeared in the Press.

(c) No.

(d) No.

(e) No. The reasons which have so far precluded the establishment of an aircraft factory in India are of an industrial and financial, and not of a political character.

**Mr. K. Santhanam :** Is it not desirable strategically to have an aeroplane factory in this country ?

**Mr. C. M. G. Ogilvie :** I should say that there are undoubtedly certain strategic advantages in this.

**Mr. K. Santhanam :** May I ask if the military policy is solely decided by commercial and industrial considerations and not by strategic considerations ?

**Mr. C. M. G. Ogilvie :** The military policy of the Government of India is conditioned by the fact that the Budget cannot normally exceed 45 crores.

**Mr. Manu Subedar :** May I ask whether it would be the policy of the Defence Department to assist the production of basic metal required for building the aeroplanes in this country ?

**Mr. C. M. G. Ogilvie :** I do not think that I can possibly give an answer to a highly technical question like that without notice.

**Mr. Manu Subedar :** What is the general policy of the Defence Department towards the establishment of industries or for the production of articles of strategic value ?

**Mr. C. M. G. Ogilvie :** As I have already said several times in this House, the policy of the Defence Department is to encourage their production by every means in its power.

**Mr. M. S. Aney :** What are the industrial objections for establishing a factory in India ?

**Mr. C. M. G. Ogilvie :** I do not think I should be called upon to dilate upon the industrial disabilities of India in answer to a supplementary question.

**Mr. K. Santhanam :** May I know whether the Government of India will get the information with reference to parts (a) and (b) ?

**Mr. C. M. G. Ogilvie :** I cannot possibly say.

### ARRANGEMENTS FOR THE CREATION OF A POOL OF FINANCE OFFICERS.

112. \***Mr. K. Santhanam** : Will the Honourable the Finance Member be pleased to state :

- (a) whether the arrangements for the creation of a pool of Finance officers have been completed ;
- (b) what will be the initial strength of the pool ;
- (c) what will be the respective ratios of Indian and European officers in this pool ; and
- (d) whether any definite ratio has been fixed for future recruitments ?

**The Honourable Sir James Grigg** : (a), (b), (c) and (d). The arrangements for a pool of officers for the Finance and Commerce Departments are not yet complete. When they are, a comprehensive Resolution will be published on the subject.

I may add that they are very nearly complete and I do not expect any very serious delay before the Resolution is published.

**Prof. N. G. Ranga** : What is the purpose of creating a pool of officers for these two departments ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That does not arise out of the question.

**The Honourable Sir James Grigg** : I am quite ready to answer this. It is to provide expert officers for expert jobs.

**Mr. K. Santhanam** : Will the promised Resolution contain answers to (b), (c) and (d) of my question ?

**The Honourable Sir James Grigg** : I think the Honourable Member will be able to gather that from the Resolution when it is published.

**Mr. S. Satyamurti** : Just now, can the Honourable Member give a reply to part (d), namely, whether any definite ratio has been fixed for future recruitments ?

**The Honourable Sir James Grigg** : I am prepared to go as far as to say that there is no racial ratio at all, but there is a ratio between I. C. S. and other Central services.

**Mr. S. Satyamurti** : What is the ratio ?

**The Honourable Sir James Grigg** : Now the Honourable Member is trying to get at the contents of the Resolution by instalments.

**Prof. N. G. Ranga** : As a result of this pool, may I take it that there would be no further need to import any experts from England with regard to Finance and Commerce ?

**The Honourable Sir James Grigg** : I am not a prophet.

**Mr. Sri Prakasa** : Will this pool be available for the public to bathe in ?

**The Honourable Sir James Grigg** : It is a reservation.



INTER-DEPARTMENTAL CONFERENCE AT LONDON BETWEEN INDIA AND THE WAR OFFICE RELATING TO THE IMPERIAL REORGANISATION OF THE BRITISH ARMY.

†113. **\*Mr. K. Santhanam** : Will the Secretary for Defence Department be pleased to state :

- (a) whether the Inter-Departmental Conference at London between India and the War Office relating to the Imperial reorganisation of the British Army has been concluded ;
- (b) who represented the Government of India at these talks ;
- (c) whether the Government of India were directly instructing their representatives, or whether the matter was left to the Secretary of State for India ; and
- (d) whether the Government of India are prepared to take the public into confidence regarding the military and financial implications of this conference ?

ENQUIRY INTO THE CONDUCT OF CERTAIN CUSTOMS OFFICIALS IN MADRAS.

114. **\*Mr. K. Santhanam** : Will the Honourable the Finance Member be pleased to state :

- (a) whether the enquiry into the conduct of certain customs officials in Madras has been concluded ;
- (b) whether any orders have been passed in the case of any of the persons charged ; and
- (c) whether the report of the enquiry and copies of the orders passed will be placed on the table of the House ?

**The Honourable Sir James Grigg** : (a) The Central Board of Revenue's enquiries have been completed.

(b) Yes.

(c) No.

**Mr. K. Santhanam** : May I know if the orders are secret and will not be made available ?

**The Honourable Sir James Grigg** : Some of them are under appeal.

ATTENDING OF MEETINGS OF CERTAIN POLITICAL BODIES BY GOVERNMENT SERVANTS.

115. **\*Mr. Sham Lal** : Will the Honourable the Home Member be pleased to state :

- (a) the names of different Departments which have already issued written instructions removing restrictions on Government servants employed under them in various parts of India to attend without previous permission of the heads of their offices, meetings organized by the :
  - (i) Congress,
  - (ii) Muslim League,

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†For answer to this question, see answer to question No. 95.

- (iii) Hindu Sabha,
  - (iv) Liberal Leagues of the All-India Liberal Federation,
  - (v) Sikh Khalsa Diwans, and
  - (vi) Zamindara Leagues of the Unionist Party, Punjab, without any active participation therein ; and
- (b) the names of different bodies mentioned in part (a) above for which restrictions are still maintained ?

**The Honourable Mr. R. M. Maxwell :** (a) As far as I am aware no Department of the Government of India has issued any such instructions.

(b) Government servants are precluded from taking part in any political movement in India or relating to Indian affairs under rule 23 (1) (i) of the Government Servants' Conduct Rules, 1926, and rule 20 (1) (i) of the Conduct Rules, 1935, copies of which are in the Library of the House. There is, so far as I am aware, no restriction aimed specifically at any of the parties mentioned in the question.

**Seth Govind Das :** What about pensioners ? Are they also asked not to join any of these institutions ?

**The Honourable Mr. R. M. Maxwell :** No, Sir. Not so far as I am aware.

**Mr. M. Ananthasayanam Ayyangar :** Does prohibition against taking part include also attendance at public meetings ?

**The Honourable Mr. R. M. Maxwell :** No, Sir ; not necessarily, unless attendance at public meetings involves taking part in a political movement.

**Mr. Sham Lal :** In view of the fact that the Congress Governments are functioning in seven of the Provinces, will the Government consider the desirability of removing these restrictions ?

**The Honourable Mr. R. M. Maxwell :** I have said that there are no restrictions.

**Mr. Sri Prakasa :** Have the Government any definition of ' politics ' and ' political movement ' ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### PREFERENTIAL TREATMENT TO PERSONS BELONGING TO RESPECTABLE FAMILIES FOR GOVERNMENT SERVICE.

116. **\*Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that the sons of well-to-do parents and persons belonging to respectable families, are receiving preferential treatment in the matter of several posts and services in several Departments of the Government of India, while candidates possessing similar qualifications not similarly circumstanced, have often to suffer from unemployment ?

(b) If so, do Government intend to replace the requirements of Family Respectability by those of personal services in future recruitment of candidates for various posts and services in various parts of the country ?

**The Honourable Mr. R. M. Maxwell :** (a) No. Appointments to the public services are made with due regard to the candidates' suitability for those services in all respects. Their personal attainments are of course a primary consideration.

(b) Does not arise.

**Mr. Sham Lal :** Do I understand that the fact that they belong to a respectable family is not considered to be a qualification ?

**The Honourable Mr. R. M. Maxwell :** No, Sir.

**Sardar Sant Singh :** Is it a fact that the marks for interview are so extraordinarily high that the question of respectability of the family is included when the marks for interview are awarded ?

**The Honourable Mr. R. M. Maxwell :** The marks for interview are determined by general considerations according to each class of service recruited. They have no particular object in them.

**Sardar Sant Singh :** Is it a fact that the family history of the candidate is supplied to the Board that sits for interviewing candidates ?

**The Honourable Mr. R. M. Maxwell :** In certain cases the Board is in possession of that information.

**Sardar Sant Singh :** Is it also a fact that the political views of the parents are also placed before the Public Service Commission when marks for interview are given ?

**The Honourable Mr. R. M. Maxwell :** No, Sir.

**Sardar Sant Singh :** Is it a fact that applications are submitted to the district magistrate who makes a confidential report on the family history of the candidate ?

**The Honourable Mr. R. M. Maxwell :** I have said that in certain cases the Board does possess this information.

**Sardar Sant Singh :** If the candidate's own qualifications are the criteria to judge his merits, why then are applications insisted to be sent through the district magistrate and his remarks invited ?

**The Honourable Mr. R. M. Maxwell :** Because the Board has to know the suitability of a candidate in all respects and also if the Board knows something about the family circumstances of the candidate, then it will be in a better position to interview the candidate.

**Mr. K. Santhanam :** Is it a fact that the oral interviews are often held after the results of the written examination are available and therefore the family connections of the candidates do enter into selections ?

**The Honourable Mr. R. M. Maxwell :** They do not enter into selection.

**Mr. K. Santhanam :** Is it a fact that *viva voce* is held after the results of the competitive examination are made available to Members of the Public Service Commission ?

**The Honourable Mr. R. M. Maxwell :** Not necessarily. I do not believe that to be the case in most circumstances.

MEMBERS OF THE SCHEDULED CASTES EMPLOYED UNDER THE GOVERNMENT OF INDIA.

117. \***Mr. Sham Lal** : Will the Honourable the Home Member be pleased to state the number of members of the Scheduled Castes employed on the 31st March, 1935, and the 31st March, 1938, in various Departments of the Central Government in various capacities all over India except as sweepers or day-labourers ?

**The Honourable Mr. R. M. Maxwell** : The annual communal returns prescribed by the Government of India relate to the calendar and not the financial year, except in the case of the Railway services. I place on the table a statement showing (so far as figures are available) the number of members of the Depressed Classes in the Central Services on the 1st January, 1935, and onwards and the various capacities in which they were employed.

*Statement showing the number of members of Depressed Classes in the I. C. S. and Central Services on the 1st January, 1935—1938.*

NOTE.—Figures have been given where available.

Service, Department, etc.	Number on the 1st January.			
	1935.	1936.	1937.	1938.
1	2	3	4	5
1. Indian Civil Service .. ..	1	1	1	..
2. Government of India Secretariat and Attached offices .. ..	3	4	4	..
3. Commercial Intelligence and Statistics Department—Lower Division clerk .. ..	..	1 (a)	1(a)	..
4. Indian Stores Department ..	1	3	4	..
5. Meteorological Department ..	..	..	1 (a)	1 1 (a)
6. Subordinate Railway Services*—				
(i) N. W. Railway .. ..	..	19	..	..
(ii) E. B. Railway .. ..	..	151	..	..
		1 (a)		
(iii) E. I. Railway .. ..	..	..	..	..
(iv) G. I. P. Railway .. ..	..	289	..	..
		2 (a)		
(v) A. B. Railway .. ..	..	72	..	..
(vi) B. and N. W. Railway ..	..	79	..	..
(vii) B. N. Railway .. ..	..	57	..	..
		1 (a)		
(viii) B. B. and C. I. Railway	..	240	..	..
(ix) M. and S. M. Railway ..	..	108	..	..
(x) R. and K. Railway .. ..	..	1	..	..
(xi) S. I. Railway .. ..	..	..	..	..

(a) Temporary.

\*Figures relate to the 1st April and not 1st January.

Service, Department, etc.	Number on the 1st January.			
	1935.	1936.	1937.	1938.
1	2	3	4	5
7. Posts and Telegraphs Department—				
(i) Telegraphist/Teleraph Master .. .. .	1	1	1	..
(ii) Clerks .. .. .	177	137	150	..
(iii) Line Staff .. .. .	92	96	101	..
(iv) Postmen, Mailguards, etc.	496	535 5 (a)	577 8 (a)	..
(v) Other Non-clerical Superior Staff .. .. .	6	6	6 1 (a)	..
8. Indian Army Ordnance Corps ..	..	1	1 1 (a)	1 1 (a)
9. Indian Army Corps of Clerks (excluding Army and R.A.F. Headquarters Section) .. ..	..	..	2	..
10. Ordnance and Clothing Factories	..	..	1	1
11. Indian Army Veterinary Corps ..	..	..	5	..
12. Survey of India .. .. .	38 43 (a)	45 28 (a)	.. ..	.. ..
13. Forest Research Institute and College, Dehra Dun .. ..	2 (a)	2 (a)	2 (a)	1 (a)
14. Imperial Agricultural Research Institute and Sub-stations ..	5	5	..	..
15. Imperial Veterinary Research Institute and Sub-stations ..	12	12	11	11
16. Imperial Records Department ..	1	1	1	1
17. Central Research Institute, Kasauli .. .. .	9	8	8	8
18. Office of the Imperial Serologist, Calcutta .. .. .	1	1	1	2

Service, Department, etc.	Number on the 1st January.			
	1935.	1936.	1937.	1938.
1	2	3	4	5
<b>19. Audit and Accounts Department—</b>				
(i) S. A. S. .. ..	1	1	1	..
(ii) Divisional Accountant ..	1 (a)	..	..	..
(iii) Clerks .. ..	6 6 (a)	7 10 (a)	12 11 (a)	.. ..
(iv) Record clerks .. ..	1 (a) ..	2 (a) ..	1 3 (a)	.. ..
(v) Typists .. ..	..	..	1 (a)	..
(vi) Sorters .. ..	3 ..	3 2 (a)	4 7 (a)	.. ..
<b>20. Currency and Mint Department</b>	1 1 (a)	1 1 (a)	1 1 (a)	1 (a)
<b>21. Customs Department .. ..</b>	2	2	2	1 (a)
<b>22. Income-tax Department—</b>				
(i) Income-tax officer (Assam)	1	1	1	1
(ii) Inspectors of Income-tax	1 1 (a)	1 (a) ..	.. ..	.. ..
(iii) Non-clerical staff ..	2 1 (a)	1 (a) ..	.. ..	1 (a) ..
(iv) Clerical staff .. ..	14 9 (a)	8 11 (a)	7 2 (a)	5 4 (a)
<b>23. Salt Department .. ..</b>	7 1 (a)	4 1 (a)	4 2 (a)	4 4 (a)
<b>24. Opium Department .. ..</b>	1 (a)	2 (a)	2 (a)	2 (a)
<b>25. Printing and Stationery Department—</b>				
(i) Government of India Press, Calcutta .. ..	..	10 5 (a)	13 5 (a)	13 4 (a)
(ii) Central Stationery Office, Calcutta .. ..	1	1	1	1
(iii) Government of India Press, New Delhi .. ..	3 1 (a)	3 ..	9 ..	7 ..
(iv) Central Publication Branch, Delhi ..	1	1	1	..
<b>26. Military Accounts Department ..</b>	2	2	2	..

**Prof. N. G. Ranga :** Are any special steps being taken to see that the number of scheduled classes employed in the Central services is increased ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That does not arise.

**Mr. Sri Prakasa :** How does the appointment of a few members belonging to any particular community elevate that community ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not arise.

#### REDUCTION IN THE SALARIES OF THE EXECUTIVE COUNCILLORS, ETC., ON THE SEPARATION OF BURMA FROM INDIA.

118. **\*Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that Burma was separated from India on the 1st April, 1937 ?

(b) If so, is any reduction in the salaries of the members of the Executive Council of India and those of others connected with Central Government, to be made in consequence of the reduction of responsibility ? If so, to what extent ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) Government do not consider that there has been such reduction of responsibility as to justify a reduction of salaries.

**Mr. Sham Lal :** If there is a reduction of responsibility, will the salary be reduced ?

**The Honourable Mr. R. M. Maxwell :** That is a hypothetical question.

**Mr. Sri Prakasa :** Is the salary fixed according to one's capacity to eat or one's capacity to carry on the responsibilities of the office to which he is appointed ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### RUPEE COINS, TOKEN MONEYS AND CURRENCY NOTES IN CIRCULATION IN INDIA AND BULLION KEPT IN RESERVE.

119. **\*Mr. Sham Lal :** Will the Honourable the Finance Member be pleased to state :

(a) the number of rupee coins, token ones and currency notes, manufactured from time to time within the last three decades together with the various amounts of income accruing to the Indian Exchange from these various sources respectively ; and

(b) the amounts of bullion which are kept in reserve for rupee coins, token moneys and currency notes in India, together with the approximate number of coins and currency notes of various denominations in circulation at present throughout India ?

**The Honourable Sir James Grigg :** (a) The information required by the Honourable Member is available in the annual reports of the Controller of Currency, the Reserve Bank's Reports on Currency and Finance for 1935-36 and 1936-37, the annual Mint Reports and the Finance and Revenue Accounts of the Government of India, copies of all of which are in the Library of the House.

(b) The amount of coin and bullion kept in reserve against note issue in the Issue Department of the Reserve Bank of India is given in its published weekly account. In addition, Government held about 419 million tolas of standard silver on the 31st March, 1937. Government have no information as to the number of coins in circulation. The number of currency notes of various denominations in circulation is given in the Reserve Bank's Report referred to in (a).

**Prof. N. G. Ranga :** In view of the fact that there is very little information given to Honourable Members of this House, will the Government consider the advisability of making these reports available to Members of this House?

**The Honourable Sir James Grigg :** They are in the Library of the House. So far from there being very little information available, my answer showed that there is really a great deal available.

**Prof. N. G. Ranga :** Will a copy be supplied to every Member of this House?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. M. Ananthasayanam Ayyangar :** So far as the number of coins in circulation is concerned, is the Honourable Member aware that it is estimated at 450 crores of rupees?

**The Honourable Sir James Grigg :** I have seen various estimates ;

12 NOON. I am not in the least able to check the authenticity or accuracy of them.

#### (b) WRITTEN ANSWERS.

##### INITIAL EXPENDITURE ON NEW CAPITAL AT DELHI.

120. \***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Finance Member please state :

(a) the main heads of public expenditure of Rs. 15.75 lacs budgeted for 1938-39, initial expenditure on new capital at Delhi ;

(b) the amount spent up-to-date on this item from the very beginning, i.e., the laying of the foundation by Their Imperial Majesties in December, 1911 ;

(c) if the Honourable Member is aware that the Despatch from the Government of India to the Secretary of State, dated Simla, the 25th August, 1911, in paragraph 22 stated :

“ We cannot conceive, however, that a larger sum than four million sterling would be necessary, and within that figure probably could be found the three years' interest



on capital which would have to be paid till the necessary works and buildings were completed. We might find it necessary to issue a 'City of Delhi' gold loan at  $3\frac{1}{2}$  per cent. guaranteed by the Government of India, the interest, on this loan being eventually obtainable from rents and taxes. In connection with a general enhancement of land values, which would ensue at Delhi as a result of the transfer, we would endeavour to secure some part of the secured value, which at Calcutta has gone into the pockets of the landlords. Other assets which would form a set-off to the expenditure would be the great rise of Government land value at Delhi and its neighbourhood, and a considerable amount which would be realised on the sale of Government land and buildings no longer required at Calcutta."

- (d) if the projected gold loan has been raised<sup>or</sup> ; if so, how much and what part of it has been repaid ;
- (e) if the expectations of the redemption of the cost from rents, taxes, enhancement of land values in New Delhi and sale of Government land and buildings in Calcutta, have been realised ; if so up to what amount in each of the above-mentioned categories ; and
- (f) if the Honourable Member is in a position to assure any limit in future expenditure on this item of Initial Expenditure on new capital at Delhi ?

**The Honourable Sir James Grigg :** (a) and (b). I would invite the attention of the Honourable Member to the Demands for Grants and Finance and Revenue Accounts of the Government of India.

(c) Yes.

(d) No.

(e) There were no such expectations. I may however add that the original expectations regarding cost were completely upset by altered circumstances.

(f) No.

#### CRIMINAL PROCEEDINGS AGAINST PRIVATE WOODS OF LEICESTERSHIRE REGIMENT STATIONED AT JUBBULPORE.

121. **\*Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

- (a) if his attention has been drawn to the fact that criminal proceedings started against Private Woods of Leicestershire Regiment stationed at Jubbulpur in the court of the city magistrate for entering the compound of a civilian and attempting a heinous offence, have been dropped on intimation by military authorities that they would court-martial him ;

- (b) if the civil authorities are bound to drop the prosecution in such cases ;
- (c) what punishment has since been given to the accused by the military authorities ; and
- (d) what is the effect of conviction of a soldier to imprisonment by a civil authority ; whether he would be detained in a civil authority prison and whether the conviction would automatically result in dismissal from the army ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) Yes.

(c) No punishment was awarded since on investigation there was found to be insufficient evidence to support a charge.

(d) A soldier sentenced to penal servitude or imprisonment by a civil court would serve his sentence in a civil prison. Discharge from the Army does not follow automatically upon a conviction by a civil court, but provision is made in King's Regulations for the Army for the discharge of a soldier who has been so convicted.

#### CUTTING DOWN OF EXPENDITURE IN GOVERNMENT OF INDIA DEPARTMENTS.

122. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Finance Member please state :

- (a) if towards the close, or at the end, of the last session of the Assembly he asked heads of Departments to scrutinise and cut down expenditure budgeted and sanctioned for the year ;
- (b) total savings expected due to these efforts ;
- (c) if these retrenchments are meant to be permanent, or only with a view to temporary saving for a temporary purpose ; and
- (d) if the latter, what is the purpose ?

**The Honourable Sir James Grigg :** (a), (c) and (d). I would invite the Honourable Member's attention to my reply to the debate on Mr. Ananthasayanam Ayyangar's Resolution for the appointment of a retrenchment committee. (Page 2865 of Debates, Volume III, No. 10.)

(b) About Rs. 80 lakhs.

#### POLITICAL PRISONERS IN THE DELHI PROVINCE.

123. **\*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Honourable the Home Member be pleased to state whether the attention of Government has been drawn to a message published in Hindi *Milap*, dated the 8th July, 1938, with the following heading "Possibility of Civil Disobedience in Delhi Province"; specially to the following portion of the message :

"Under the circumstances the Central Government will do their utmost to avert a crisis and it seems possible that the question of remitting the sentences of political prisoners may be taken up."

(b) Will Government please state the actual position regarding the remission of sentences of the political prisoners belonging to the Delhi Province ?

(c) What is the total number of political prisoners in Delhi Province ?

**The Honourable Mr. R. M. Maxwell :** (a) I have seen the article referred to by the Honourable Member.

(b)\* and (c). There are three State Prisoners in jail in Delhi Province : the question of their release or further detention is considered twice yearly and is at present under the consideration of the Government of India. There are also five prisoners convicted in Delhi for offences committed from what might be considered political motives. They are all confined in jails outside the Delhi Province. The Government do not propose to remit their sentences on grounds other than those which are normally taken into consideration.

#### WITHHOLDING FROM PUBLICATION IN INDIA OF THE RESULTS OF BOMBING ON THE FRONTIER.

124. **\*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Defence Secretary be pleased to state whether his attention has been drawn to the leading article in the *Daily Arjun* of Delhi, dated the 7th July, 1938, under the caption "Disregard of India", in which the following comment is made :

"The results of bombing on Frontier were made known in the end of June, to the British papers. Only it was not thought worthwhile to acquaint Indian papers with the results. This is an example of how British administrators are disregarding India."

(b) Will Government please state if the allegations contained in the above extract are correct ? If so, were the results of bombing on Frontier withheld from publication in India ?

(c) What is the policy of Government regarding the publicity of bombing on Frontier ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) No.

(c) Their policy is to issue frequent press communiqués on the subject of any operations. Between 30th May and 29th July, 1938, no less than 28 such communiqués were issued.

#### SUPERSESSION OF THE CLAIMS OF DR. S. N. A. JAFRI TO THE POST OF THE PRINCIPAL INFORMATION OFFICER.

125. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Honourable the Home Member be pleased to state :

(a) if it is a fact that Dr. S. N. A. Jafri has been relieved of his post as Deputy Principal Information Officer ;

- (b) if the answer to part (a) be in the affirmative, who took the initiative of sending Dr. Jafri to the United Provinces ; whether it was the Central Government or the United Provinces Government ;
- (c) if it is a fact that according to seniority Dr. Jafri was a claimant to the post of Principal Information Officer ;
- (d) if it is a fact that Dr. Jafri officiated for the Principal Officer three times ; and
- (e) if Government are aware of the great resentment felt throughout the country as a result of the claims of an Indian being ignored ?

**The Honourable Mr. R. M. Maxwell :** (a) and (b). The services of Dr. Jafri have been replaced at the disposal of the United Provinces Government by the Central Government.

(c) and (d). It is a fact that Dr. Jafri officiated in the post on occasions. But it is not correct that he had any particular claim to be appointed to the post when it became permanently vacant.

(e) No.

#### PUBLICATION OF THE *Information Series*.

126. \***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable the Home Member be pleased to state :

- (a) the average number of the copies of *Information Series* printed every fortnight ;
- (b) the amount spent in the publication of that *Series* so far ;
- (c) the name of the editor of the *Series* ;
- (d) the list of Hindi and Urdu papers to whom the *Series* is sent regularly ; and
- (e) whether Government intend to publish it in principal vernacular papers of the country ?

**The Honourable Mr. R. M. Maxwell :** (a) 2,700.

(b) I understand that the normal cost of production of an issue is between Rs. 300 and 400 : this includes all production charges, including the Government Press overhead charges. In addition the average cost of postage is about Rs. 78.

(c) The Principal Information Officer.

(d) I lay a list on the table.

(e) The publication is available on request to any newspaper, whether published in English or in an Indian language.

*List of Urdu Newspapers in India to which " Indian Information Series " is supplied.*

URDU.

BOMBAY.

1. Ajmal.
2. Roznama-e-Khilafat.
3. Sarosh Weekly.

SIND.

1. Sind Zamindar, Sukkur.

UNITED PROVINCES.

1. Madina, Bijnor.
2. Hamdar, Lucknow.
3. Haqiqat, Lucknow.
4. Zamana, Cawnpore.
5. Mujib, Farrukhabad.
6. Hitkari, Lucknow.

PUNJAB.

1. Inqilab, Lahore.
2. Zamindar, Lahore.
3. Milap, Lahore.
4. Prntap, Lahore.
5. Ehsan, Lahore.
6. Mujahid, Lahore.
7. Karam Vir, Lahore.

DELHI.

1. Tej.
2. Millat.
3. Watan.
4. Riyasat—Weekly.
5. Al-Jamiat.

BENGAL.

1. Rozana Hind, Calcutta.
2. Asr-e-Jadid, Calcutta.
3. Weekly Hind, Calcutta.

NORTH-WEST FRONTIER PROVINCE.

1. Frontier Advocate, Peshawar.

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*List of Hindi Newspapers to which " Indian Information Series " is supplied.*

HINDI.

BOMBAY.

1. Shri Venkateswar Samachar.

## UNITED PROVINCES.

1. Bharat, Allahabad.
2. Pratap, Cawnpore.
3. Vertman, Cawnpore.
4. Aj, Benares.
5. Sainik, Agra.
6. Abhyudaya, Allahabad.
7. Hitkari, Lucknow.

## PUNJAB.

1. Milap, Lahore.
2. Shakti, Lahore.

## DELHI.

1. Arjun.
2. Nav Yug.
3. Hindu.

## BENGAL.

1. Viswamitra, Calcutta.
2. Lokmanya, Calcutta.
3. Bishal Bharat, Calcutta.

## CENTRAL PROVINCES.

1. Karam Vir, Khandwa.
2. Swarajya, Khandwa.

## BIHAR.

1. Nava Shakti, Patna.

## AJMER.

1. Rajasthan.
2. Navajyoti.

## STATES.

1. Jayaji Pratap, Gwalior.
2. Veena, Indore.

### PREPARATION OF PLANS AND ESTIMATES BY CONTRACTORS OF BUILDINGS IN QUETTA.

127. \*Dr. Sir Ziauddin Ahmad : (a) Will the Defence Secretary please state whether it is a fact that the contractors of buildings in Quetta are required to make their own plans and estimates ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place on the table a copy of the notice inviting the tenders for building on conditions mentioned in part (a) ?

(c) Did the Government of India follow the practice of inviting tenders on the basis that contractors will present their own plans and estimates ? If so, in which cases ?

(d) Did the Chief Engineer of the Government of India advise the Government to follow the practice ?

**Mr. C. M. G. Ogilvie :** (a) No.

(b) Does not arise.

(c) In the first six contracts for Quetta, Military Engineer Services designs were supplied to tenderers. They were invited to quote on those designs, or on their own designs or both.

(d) The Engineer-in-Chief, Army Headquarters, who is the chief adviser to the Defence Department in such matters, recommended the practice mentioned in part (c).

CORRESPONDENCE WITH PROVINCES *re* LEVY OF PROVINCIAL EXCISE TAXES, ETC.

128. **\*Mr. Manu Subedar :** Will the Honourable the Finance Member state :

- (a) with which Provinces correspondence has taken place with regard to the proposed levy of provincial excise taxes or sales taxes, or other taxes, which, in the opinion of Government of India, are encroaching on the sphere of Central taxation ;
- (b) at what stage the matter rests in these cases ; and
- (c) which of these matters are being referred to the Federal Court at the instances of (i) Provinces, and (ii) Government of India ?

**The Honourable Sir James Grigg :** (a), (b) and (c). I presume that the Honourable Member's question is confined to Provincial taxes which might be held to encroach upon the Central subjects of Central Excises and Customs. Various aspects of this question were discussed at a meeting which I had with the Provincial Finance Ministers and have also been the subject of unofficial correspondence. These discussions were quite informal and it would not be proper for me to give any indication of their scope or character. There has been official correspondence with two Provincial Governments on subjects of this kind ; with the Government of Bengal regarding the electricity tax there collected, the validity of which the Government of India have no intention of challenging ; and with the Government of the Central Provinces and Berar with regard to the Central Provinces and Berar Sales of Motor Spirit and Lubricants Taxation Act, 1938. In consultation with the Provincial Government a reference has been made to the Federal Court regarding the validity of this last-named Act. So far as the Government of India are aware, no other reference to the Federal Court is under consideration at present.

ADVICE TENDERED BY THE RESERVE BANK AS TO THE RATIO BETWEEN RUPEE AND STERLING.

129. **\*Mr. Manu Subedar :** Will the Honourable the Finance Member state :

- (a) whether a communication has been received from the Central Board of the Reserve Bank tendering advice as to the ratio between rupee and sterling ;

- (b) what is this advice ;
- (c) whether Government have sent any reply or rejoinder ; and
- (d) whether Government propose to publish this correspondence ?

**The Honourable Sir James Grigg :** (a), (b), (c) and (d). Correspondence between the Reserve Bank and the Government of India is confidential.

CORRESPONDENCE BETWEEN THE GOVERNMENT OF INDIA AND THE SECRETARY OF STATE ON THE QUESTION OF THE RUPEE-STERLING RATIO.

150. **\*Mr. Manu Subedar :** Will the Honourable the Finance Member state :

- (a) whether there has been any communication between the Government of India and the Secretary of State on the question of the rupee-sterling ratio ; and
- (b) whether it is the intention of Government to place this correspondence on the table for the information of this Assembly ?

**The Honourable Sir James Grigg :** (a) and (b). Communications between the Government of India and the Secretary of State are confidential.

COST OF MAINTENANCE OF BRITISH TROOPS IN INDIA.

†131. **\*Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) whether his attention has been drawn to the recent question and answer in the House of Commons about the British Government taking over the cost of maintenance of British troops in India and the answer of the Under-Secretary to the effect that the cost of the British troops was only one item of Indian defence problem and that problem was constantly engaging the attention of the Secretary of State ;
- (b) whether any correspondence or negotiations are going on now between the Government of India and His Majesty's Government about the cost of the defence forces in India ;
- (c) whether Government have pressed on the British Government the need for their paying the entire cost of British troops in India so long as they remain here ;
- (d) whether Government have taken up with the British Government or propose to take up the question of incidence of the cost of other troops being shared on a fairer basis between Britain and India ; and
- (e) what the results of the negotiations are ?

†For answer to this question, see answer to question No. 95.



**NON-INDIANS EXPERTS IMPORTED IN THE FINANCE DEPARTMENT OR OFFICES UNDER ITS CONTROL.**

132. \***Mr. S. Satyamurti** : Will the Honourable the Finance Member please state :

- (a) the number of non-Indian experts who have been imported into this country either for permanent jobs or for committees or for temporary appointments during the last four years, beginning from 1934, up to date in the Finance Department or offices under its control ;
- (b) the cost on account of these experts and the purpose for which they were imported ; and
- (c) whether in every case the Government satisfied themselves that there were no competent Indians available for these jobs, and, if so, how ?

**The Honourable Sir James Grigg** : (a), (b) and (c). I lay a statement on the table giving the information required.

*Statement showing the number, cost, etc., of non-Indian experts imported by the Finance Department since 1934.*

(a)	(b)		(c)
Number.	Cost.	Purpose.	Whether Government satisfied themselves that there were no competent Indians available, and if so, how.
1. Mr. E. B. Lewis.	Rs. 1,000—50—1,400 <i>plus</i> overseas pay £30 p.m.	For appointment as Special Mining Expert in technical charge of the Mines in the Salt Department.	Yes. By advertising both in India and England. This officer was considered to be the most suitable for the post.
2. Messrs. C. W. Ayers.	Rs. 71,667 (pay and travelling allowance).	To carry out an expert investigation into the Indian Income-tax system and to report upon the incidence of income-tax and the efficiency of administration of the system.	Yes. The only Indians possessing the requisite qualifications could not be employed as their services were required in the posts of Commissioners of Income-tax.
3. And S. P. Chambers.			
4. Mr. S. P. Chambers.	Rs. 2,500—3,000 p.m.	To advise the Central Board of Revenue on technical matters relating to Indian Income-tax ; on contract for three years.	Ditto.
5. Mr. A. Rowlands, M.B.E.	Rs. 3,250 p.m.	For appointment as Financial Adviser, Military Finance.	Yes. The only officers—British or Indian—with the requisite qualifications were required for posts of corresponding status.

PROTECTION OF THE INDIAN SALT INDUSTRY AGAINST IMPORT OF FOREIGN SALT.

133. **\*Mr. S. Satyamurti** : Will the Honourable the Finance Member please state :

- (a) whether he has heard from the Federation of Indian Chambers of Commerce and Industry about the dumping of foreign salt in India within three months of the refusal of the Government to continue their protection to the Indian salt industry ;
- (b) whether Government propose to take any action under the Sea Customs Act with regard to the reported shipment of over 13,000 tons of foreign salt from Liverpool and Port Said ; and
- (c) whether Government propose to introduce a Bill to protect the Indian salt industry against further import of foreign salt in India, and if not, why not ?

**The Honourable Sir James Grigg** : (a) Yes.

(b) No.

(c) The Government of India do not announce their intentions with regard to taxation matters in advance.

KEEPING OF A PORTION OF THE SECRETARIAT IN DELHI THROUGHOUT THE YEAR.

134. **\*Mr. S. Satyamurti** : Will the Honourable the Home Member please state :

- (a) whether final decisions have been taken with regard to the portion of the Secretariat to remain in Delhi throughout the year from the next financial year ;
- (b) if so, what the decisions are ; and
- (c) what the resultant savings will be to the Indian exchequer ?

**The Honourable Mr. R. M. Maxwell** : (a), (b) and (c). The question is still under consideration.

REMOVAL OF A VEGETABLE AND FRUIT SHOP BY THE CANTONMENT AUTHORITIES AT RANIKHET.

135. **\*Mr. Badri Dutt Pande** : (a) Will the Defence Secretary be pleased to state if it is a fact that the Cantonment Authorities at Ranikhet have recently ordered the removal of a vegetable and fruit shop from an area near the motor terminus ?

(b) Why was the shop removed in spite of the strong protests and representations of the public ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) The Board decided unanimously not to renew four licences for fruit and vegetable shops outside the vegetable market, as the medical authorities were unable to exercise supervision over isolated shops, and the Board had reasons to believe that the carrying on of this trade outside the market was and would be dangerous to the public health.

#### PLACING OF AN INDIAN-OWNED RESTAURANT IN RANIKHET CANTONMENT BAZAR OUT OF BOUNDS FOR INDIANS.

136. **\*Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether his attention has been drawn to a note published in the *Leader* of Allahabad, under the caption "Indians not admitted", dated the 17th July, 1938, wherein it was stated that some Indians who wanted to take refreshments in a restaurant, owned by an Indian at Ranikhet Cantonment Bazar, were told by a waitress that the place was out of bounds for Indians ?

(b) Was this order, placing the Indian-owned restaurant out of bounds for Indians, issued by the military authorities ?

(c) Have Government given instructions that restaurants in Cantonments be opened on the condition that the owner would keep them out of bounds for Indians ?

**Mr. C. M. G. Ogilvie :** (a) I have seen the *Leader* of the 17th June, 1938, but can find no item with the caption "Indians not admitted".

(b) Neither the cantonment nor any military authority issued any such order.

(c) No.

#### REFUSAL TO ALLOW A LAWYER DRESSED IN *Dhoti* AND *Kurta* TO ENTER THE PALADIUM CINEMA IN THE MEERUT CANTONMENT.

137. **\*Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether the sergeant on duty did not allow a lawyer of the Meerut Bar, who was dressed in the normal Indian dress of *dhoti* and *kurta*, to enter the Paladium Cinema in the Meerut Cantonment on the 16th April, 1938 ? If so, the circumstances under which this was done ?

(b) Was any order issued by the Brigadier Commanding the station that persons dressed in *dhoti* and *kurta* should not be allowed entry into the cinema ? If so, why ?

**Mr. C. M. G. Ogilvie :** (a) The circumstances are that the Manager of the Cinema, and not a sergeant as stated, declined to allow an Indian gentleman to occupy a seat reserved for officers and their friends. His action was entirely correct.

(b) No such order by the Officer Commanding Station has been issued.

#### HARASSMENT OF RAILWAY PASSENGERS BY TERMINAL TAX OFFICIALS OF THE CANTONMENT AUTHORITY, AMBALA.

138. **\*Syed Ghulam Bhik Nairang :** (a) Will the Defence Secretary please state if it is a fact that passengers who detrain at the Ambala Cantonment Railway Station and other passengers, when travelling along the Grand Trunk Road to Ambala City, are stopped by Terminal Tax officials of the Cantonment Authority, Ambala, compelled to go to the terminal tax *chauki* opposite the railway station, and made to obtain a transit pass on payment of two annas for such articles of their luggage as may be entered in the Terminal Tax Schedule as chargeable with terminal tax, although such articles are not imported into the Cantonment at all, nor are they intended to be so imported ?

(b) If the reply to part (a) be in the affirmative, is it a fact that after paying two annas for a transit pass at the Ambala Cantonment Terminal Tax Barrier, as stated in part (a) above, the persons obtaining such transit pass have to pay the full amount of terminable tax or octroi duty to the Ambala City Municipality without getting any credit for the amount paid for the transit pass as described in part (a) above to the Ambala Cantonment Authority ?

(c) If the reply to part (b) be in the affirmative, or if Government have no information about it, are they prepared to issue orders to the Ambala Cantonment Authority that passengers travelling from the Ambala Cantonment Railway Station, or otherwise, by the Grand Trunk Road, to Ambala City, or from Ambala City side to the Cantonment Railway Station or some other destination, by the same road, are not made to obtain a transit pass on payment of a fee ? If not, why not ?

**Mr. C. M. G. Ogilvie :** (a) Yes. Under Byelaw No. 9 of the Terminal Tax Byelaws when goods ordinarily liable to terminal tax on import are to be exported immediately after import, the person importing such goods shall declare them as such at the barrier of import and shall specify the barrier through which they are to be exported. The officer in charge of the barrier issues a transit pass on payment of such fee, not exceeding 2 annas as the Cantonment Board may prescribe.

(b) Yes.

(c) Does not arise.

#### ABANDONMENT OF AIR BOMBING ON THE FRONTIER.

139 **\*Mr. K. Santhanam :** Will the Defence Secretary be pleased to state :

(a) whether his attention has been drawn to the statement of the Prime Minister of Great Britain in the House of

Commons that they were prepared to abandon the practice of air bombing on the Frontier under certain circumstances ;

(b) whether the Government of India were consulted in the matter ; and

(c) whether Government propose to take steps to put an end to this practice ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) No.

(c) Government do not propose to alter its present policy, unless the eventuality alluded to in part (a) materialises.

#### COURT MARTIAL AND DISMISSAL OF CAPTAIN BALWANT SINGH LAMBA.

140. **\*Mr. Badri Dutt Pande :** Will the Defence Secretary be pleased to explain the circumstances that led to the Court Martial and subsequent dismissal of Captain Balwant Singh Lamba of the 17th Rajput Regiment, and also place on the table all the correspondence concerning this dismissal ?

**Mr. C. M. G. Ogilvie :** Reports of the proceedings before the court-martial have already appeared in the press.

The correspondence on the subject is privileged and Government are, therefore, not prepared to lay it on the table.

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#### UNSTARRED QUESTION AND ANSWER.

16.

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#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to parts (a) to (d) of unstarred question No. 18 asked by Mr. Brojendra Narayan Chaudhury on the 4th February, 1938.*

#### TEA GARDENS GRANTED EXPORT QUOTAS AND THE TEA CONTROL BOARD.

(a) to (c). A statement is laid on the table giving the necessary particulars as far as possible. It may be added that the Indian Tea Licensing Committee have found difficulty in distinguishing between Indian-owned and other tea estates as a large number of concerns have share capital owned by both Indians and others and thus fall between the two categories in question. The method of distinction adopted for the present purpose is explained in the Note to the statement.

(d) A statement is laid on the table giving the necessary particulars.

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†This question was withdrawn by the questioner.

*Statement giving the particulars in respect of parts (a) to (c).*

(The latest year for which figures are available is 1937-38.)

Districts or States.	*Total number of tea gardens registered with the Licensing Committee.	Total quantity of export quota allotted to estates in Column 2. (lbs.)	*Total number of †Indian-owned tea gardens registered with the Committee.	Total quantity of export quota allotted to tea gardens in Column 4. (lbs.)	Total number of enquiries and inspections by the Licensing Committee about assessment.
1	2	3	4	5	6
(i) Surma Valley ..	225	55,401,355	87	5,160,181	<i>Nil.</i>
(ii) Dooars ..	154	60,832,770	52	11,947,185	<i>Nil.</i>
(iii) Jalpaiguri } ..	22	4,117,100	7	993,028	<i>Nil.</i>
(iv) Terai .. }					
(v) Darjeeling ..	112	12,730,490	35	2,831,574	<i>Nil.</i>
(vi) Assam Valley ..	634	133,942,631	286	10,785,387	3
(vii) British North India other than (i) to (vi) above. ..	675	4,873,989	658	4,165,777	487
(viii) British South India	2,462	50,039,780	2,150	2,236,983	2,076
(ix) Indian States ..	1,171	6,399,091	1,171	6,399,091	992
Total ..	5,455	328,337,206	4,446	44,519,206	3,558

\*NOTE (1).—Figures are corrected up to February, 1938.

†NOTE (2).—The above statement has been compiled from application forms for tea export quota. Where these are signed by Indians the gardens have been classified as 'Indian-owned'. The remainder consist in the main of Companies and there are no records in the office of the Licensing Committee to determine the extent, if any, of the capital held by Indians.

*Statement giving the particulars in respect of part (d).*

## Income and Expenditure of the Indian Tea Licensing Committee.

Year.	Income.		Expenditure.	
	Rs.	A. P.	Rs.	A. P.
1933-34 .. .. .	80,552	8 2	92,016	4 0
1934-35 .. .. .	1,44,354	9 3	119,437	3 8
1935-36 .. .. .	1,45,987	12 6	1,45,858	8 8
1936-37 .. .. .	1,54,328	5 6	1,66,974	2 5

*Information promised in reply to part (c) of starred question No. 90 asked by Mr. K. Santhanam on the 2nd February, 1938, and to part (b) of starred question No. 250 asked by Seth Govind Das on the 15th February, 1938.*

#### STOPPAGE OF THE EXODUS OF CERTAIN ATTACHED OFFICES TO SIMLA.

Attention is invited to the statement laid on the table on the 30th March, 1938, in reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 1089.

*Information promised in reply to parts (b) and (c) of starred question No. 722 asked by Mr. T. S. Avinashilingam Chettiar on the 9th March, 1938.*

#### RUNNING OF REFRESHMENT ROOMS AND RESTAURANT CARS BY RAILWAYS.

(b) The catering is on commercial lines. The financial results for the last three years for which figures are available on each railway are as follows :

##### *Bengal Nagpur Railway.—*

1934-35—a profit of Rs. 36,500.

1935-36—a loss of Rs. 15,700.

1936-37—a profit of Rs. 31,000.

##### *Madras and Southern Mahratta Railway.—*

1935-36—a loss of Rs. 8,571.

1936-37—a profit of Rs. 13,017.

1937-38—a profit of Rs. 13,217.

##### *South Indian Railway.—*

1934-35—a loss of Rs. 568.

1935-36—a loss of Rs. 21,127.

1936-37—a loss of Rs. 4,214.

(c) The Agent and General Manager of each Railway states as follows :

##### *Bengal Nagpur Railway.—*

The arrangement has proved better than the previous procedure of working by a contractor.

##### *Madras and Southern Mahratta Railway.—*

The management is generally considered to be more satisfactory to the travelling public than if contractors were employed.

##### *South Indian Railway.—*

The departmental management is much appreciated by the public and the general impression is that the food, service, etc., are better than those obtaining in rooms worked by licensees.

*Information promised in reply to part (a) of starred question No. 728 asked by Mr. Mohan Lal Saxena on the 9th March, 1938.*

#### COST OF THE ENQUIRY INTO THE RAILWAY ACCIDENT AT BIHTA.

The total cost of the enquiry is Rs. 2,57,621.

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*Information promised in reply to starred questions Nos. 1108 and 1109 asked by Sardar Mangal Singh on the 30th March, 1938.*

**REFUSAL OF A PASSPORT TO CANADA TO MASTER KABUL SINGH.**

*Starred question No. 1108.*—(a) and (b). Yes.

(c) and (d). The matter is now under the consideration of the Central Government.

**REFUSAL OF A PASSPORT TO THE CONTINENT AND ENGLAND TO ONE MR. VIRENDRA.**

*Starred question No. 1109.*—(a) and (b). As stated by the Honourable Sir Henry Craik on the 17th September, 1937, in reply to Mr. Sham Lal's starred question No. 1406, an application for a passport made by Mr. Virendra in 1936 was rejected. Since then he has not made any formal application, but has made various representations to the Punjab Government who have informed him that the decision of 1936 still stands.

(c) Ostensibly to pursue his studies in journalism.

(d) The matter is under consideration.

*Information promised in reply to starred question No. 1258 asked by Sardar Sant Singh on the 8th April, 1938.*

**PROHIBITION OF RAILWAY SUBORDINATE MEDICAL OFFICIALS FROM ENGAGING IN PRIVATE PRACTICE.**

(a) The practice is not identical on all the State Railways. No prohibition has been issued, but on the North Western Railway, orders were issued in February, 1938, drawing the attention of all members of the medical subordinate staff to the fact that they cannot undertake private practice except among the families of railway employees without the written authority of the Headquarters Office. Permission is granted if the sanctioning authority is satisfied that such permission will not prevent the employee concerned from discharging adequately his duties to the railway staff and their families.

(b) As I have already explained, the orders did not impose an absolute bar. The position in respect of the District Medical Officers is the same, and the latter part does not arise.

(c) I understand that medical officers of other Civil Departments are, within certain limitations, permitted to engage in private practice. The second part does not arise.

(d) The orders make no distinction between new entrants and others. Government clearly cannot allow medical officers to undertake private practice to an extent which interferes with the duties for which they are employed, and there is no proposal to grant any compensation.

*Information promised in reply to starred question No. 1263 asked by Mr. Ram Narayan Singh on the 8th April, 1938.*

**RAILWAY INCOME FROM THE SESSION OF THE INDIAN NATIONAL CONGRESS AT HARIPURA.**

The information is given in the reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 5 on the 8th August, 1938.



## MOTIONS FOR ADJOURNMENT.

### RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

**Mr. President** (The Honourable Sir Abdur Rahim) : With regard to the adjournment motion of which notice has been given by Mr. Satyamurti relating to the Wedgwood Report, I understand that Government circulated copies of the statement of the action along with the budget papers. Mr. Satyamurti, therefore, said that he did not want to move it.

Seth Govind Das does not move the three motions given notice of by him.

#### ARREST OF A BRITISH SUBJECT BY THE DEWAN OF TEHRI STATE.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Badri Dutt Pande has given notice of an adjournment motion to discuss the forcible arrest of a British subject in British territory by the Dewan of Tehri State. I should like to know what the facts are.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : A certain gentleman was forcibly arrested in Rishikesh in British territory by the Dewan, put in a car and taken into the Tehri territory. He has now been convicted in that State for some alleged offence there.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is the matter under adjudication ?

**Mr. Badri Dutt Pande** : There is now another case against the Dewan for arresting the man.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then it cannot be moved.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : Sir, I may just say that the man was not arrested in British India. I am afraid a misunderstanding has arisen because though Rishikesh is in British territory he was not arrested there. The arrest took place on the road next to the thana Munikireti which is within Tehri-Garhwal and not within British India.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Brojendra Narayan Chaudhury has given notice of an adjournment motion to discuss the failure of the Government of India to arrange elections for elected seats on the Indian Tea Licensing Committee under the provisions of the Indian Tea Control Act, 1938. I should like to understand what the position is.

**Mr. Brojendra Narayan Chaudhury** (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, under section 3 of the Indian Tea Control Act of 1938, four elected seats were granted to the Assam Valley, Surma Valley, Madras and Upper India tea estates. Now that section provides that Government shall make rules for these elections. They have not made rules yet though the Act came into force on the 1st April last. Instead of that they have taken an undue advantage of section 4 which says that if the authority or body which is entitled to elect fails to elect, the Central Government may make nomination. Here the Indian planters of Surma Valley and Assam Valley have not elected simply because they were not asked to elect.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, the position is this. This Act was passed, I think, on the 23rd March last and came into

[Sir Muhammad Zafrullah Khan.]

force on the 1st April. The Central Government at once took up the question of the framing of the rules. The Act required that the names of the Committee should be published by 1st July. There was necessarily some correspondence between the Provincial Governments concerned and the various Tea Associations before the rules were actually settled. It was unfortunately found that the rules could not be settled by the 1st July. They have now been settled and were published on the 23rd July. In the meantime there was this statutory obligation to publish the names of all the members of the committee, so that as there was no time to hold the elections in between, four members were nominated in place of the members to be elected. The whole matter has been explained in a Government communiqué. It has been explained that these four members will hold their seats only so long as the elections cannot be completed, and the elections are now in course of being completed. These Associations have been called upon to elect members. Though technically even when elected they will have to be put on by nomination, they will be put on to the committee in place of the four members who in default of such election have been nominated.

**Mr. Brojendra Narayan Chaudhury :** In spite of what has been said in the communiqué, I, as representing the Indian planters, will suffer an injury because the committee which has been constituted does not contain my elected representative.

**Mr. President** (The Honourable Sir Abdur Rahim) : They are being elected now.

**Mr. Brojendra Narayan Chaudhury :** But, in the meantime, the committee constituted will be functioning and would be dealing with my applications for export quotas.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, provision has been made for that eventuality in sub-section (3) of section 3 in which it has been laid down that until the new committee is constituted the old committee under the old Act will continue. The point involved in the adjournment motion is that these nominations are *ultra vires*, illegal and absolutely against the provisions of the Act and quite unnecessary.

**The Honourable Sir Muhammad Zafrullah Khan :** It was permitted under the Act in the meantime for the old committee to continue but within three months the new committee's names had to be published. During these three months the old committee could continue. The obligation was to publish the names by the 1st July.

**Mr. Akhil Chandra Datta :** That obligation was to publish the names of the members elected.

**The Honourable Sir Muhammad Zafrullah Khan :** But there is power in the Act for Government to nominate if the members have not been elected.

**Mr. Akhil Chandra Datta :** The Honourable Member should read section 4 and say whether it can be said that the constituency has failed to make the election within the meaning of that section.

**The Honourable Sir Muhammad Zafrullah Khan :** Of course they have. It may be that it was not their fault that they could not elect but they have surely failed to elect.

**Mr. Akhil Chandra Datta :** That is straining the language too much. That was not the intention of the section.

**Mr. President** (The Honourable Sir Abdur Rahim) : After hearing the facts of the case from both sides, I do not consider that this is a matter of urgent public importance.

Then comes Mr. Asaf Ali's motion, *re* the arrest and conviction in Delhi of 60 Congress workers on the 22nd July, 1938.

**Mr. M. Asaf Ali** (Delhi : General) : As a matter of fact, Sir, before giving notice of this motion I had taken up the matter with the Local Government and I have now received their reply. I intend pursuing the matter with them, and, therefore, I will not move this motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next one is also from Mr. Asaf Ali, but it is barred by the motion of Mr. Satyamurti moved on the 9th August. The next one is from Mr. Abdul Qaiyum *re* the Government's frontier policy.

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : I am moving it.

**Mr. President** (The Honourable Sir Abdur Rahim) : What has recently taken place ?

**Mr. Abdul Qaiyum :** Quite recently, Sir. After the last Session and shortly before this Session. There was a raid on Bannu ten days before the Assembly met.

**Mr. President** (The Honourable Sir Abdur Rahim) : Why does not the Honourable Member mention this in his notice ?

**Mr. Abdul Qaiyum :** This is one incident : there is a series of incidents and the Government communiqué itself admits it.

**Sir Aubrey Metcalfe** (Secretary, External Affairs Department) : May I take a preliminary objection, Sir ? That is that since the matter of the adjournment motion deals exclusively with tribal areas, it requires the consent of the Governor General, which, so far as I know, has not been obtained.

**Mr. President** (The Honourable Sir Abdur Rahim) : Have you obtained the consent ?

**Mr. Abdul Qaiyum :** No, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to obtain the consent, I can let it stand over.

**Mr. Abdul Qaiyum :** Thank you very much, Sir. I will apply for the consent.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have had occasion to point it out before that in regard to these matters relating to tribal areas, no adjournment motion can be moved without the previous consent of the Governor General. Every Honourable Member ought to be prepared, if he wants to move a motion which requires the consent of the Governor General, to obtain that consent.

**Mr. M. Asaf Ali :** If I am not mistaken, Sir, that rule applies only to Resolutions and not to adjournment motions.

**Mr. President** (The Honourable Sir Abdur Rahim) : It applies to adjournment motions also. I will let this stand over till tomorrow.

Then, the motion of Mr. Abdur Rasheed Choudhury is covered by that of Mr. Brojendra Narayan Chaudhury.

As regards Sardar Sant Singh's motion to discuss the recent continuous violation of the Indian soil during the last fortnight by the Trans-border tribes, that has been disallowed by the Governor General, as also his other motion *re* racial discrimination in the Army against King's Commissioned Indian Officers. The next motion in the name of Maulana Shaukat Ali to discuss the failure of the Government of India to abandon the bombing of the tribal area has also been disallowed by the Governor General.

There is no other adjournment motion. The House will now proceed with the consideration of Resolutions. The first Resolution was moved by Sardar Mangal Singh, and I think he finished his speech and the Resolution was put to the House.

#### RESOLUTION *RE* APPOINTMENT OF AN ENQUIRY COMMITTEE FOR THE BROADCASTING DEPARTMENT—*contd.*

**Khan Bahadur Nawab Siddique Ali Khan** (Central Provinces and Berar : Muhammadan) : Sir, my Honourable friend, Sardar Mangal Singh, has recommended that an enquiry committee be appointed to inquire into three things, namely, cheap radio sets, the working of broadcasting stations and lastly nepotism and jobbery in the department. I shall try to deal with them separately.

Taking the question of cheap radio sets first, my information is that there are about 55,000 radio sets in India today and there are seven or eight broadcasting stations. From the figure of radio sets which I have given, it will appear that broadcasting is at present a luxury ; it is only a limited number of people who can purchase radio sets worth Rs. 300 or Rs. 400. It is, therefore, necessary that radio sets should be sold at cheap rates. The question is how can we achieve that object ? I do not think the appointment of an enquiry committee of Honourable Members of this House can solve this problem. Their only recommendation will be that cheap radio sets should be sold. I am told that attempts are being made to assemble parts of radio sets in India and then to sell them in India. I would suggest in this connection that Government should manufacture radio sets in India and the price of these sets should be such that a poor man may buy them. It is desirable that Government should encourage private research and should ask the Industrial Research Bureau to take up this work at an early date.

As regards broadcasting organisation, I would state that it is in its infancy and is, therefore, in an experimental stage. There are very few broadcasting stations and more have to be opened. During this short time I do not think it has been possible for the department to gain experience of problems of different provinces. In the circumstances it will be premature to hold an enquiry at the present juncture in regard to programmes, etc. Let us have more experience. I suggest that Government should appoint advisory committees of really competent non-officials at every station. After the experience of a couple of years when data have been collected a committee of this nature could serve a useful purpose.

I will now deal with alleged nepotism and jobbery in the department. It is desirable that individual cases should be referred to Government and not to any committee. I have come to the conclusion that the general complaint of nepotism is not well-founded. It appears from newspapers that Government have already taken action that recruitment to higher posts should be made by the Public Service Commission and the smaller posts ought to be filled up by the Controller in consultation with the non-official members of advisory committees. I learn that eminent people like Dr. Zakir Hussain of the Jamia Milla in Delhi and Lala Sri Ram of Delhi are members of that committee : my Honourable friend, Sir Ziauddin Ahmad, says that the Vice-Chancellor of the Delhi University is also a member of the Committee. If in any case the Controller has not consulted them, we should press Government to investigate the matter ; but the general sweeping charge of nepotism and jobbery cannot be maintained. Sardar Mangal Singh made some undignified remarks about the Bokhari Brothers' Corporation and the All-India *Radio* Department. I have followed the attacks on the Bokhari Brothers in the vernacular communal press. I do not know the two brothers personally but very few of the Urdu knowing people in India are unacquainted with the older Mr. Bokhari who, for his literary abilities and character, commands very great respect. These two brothers are not the heads of the Radio Department. If they have done any wrong, let the Members inform the Government of their misdeeds and let the matter be investigated. It is becoming a common practice these days to run down Muslim officers who show ability and promise. Is this nationalism ? Allegations have been made against a highly placed officer of a vague nature without a shred of proof in a place where he can't defend himself. This is unworthy of the dignity of this Honourable House.

In conclusion, I would request the House to go into the realities of the matter and not press for the appointment of this Committee which would at best be premature and not likely to yield any useful results at this stage. After some years, when experience has been gained, such a Committee could more usefully be appointed.

Sir, with these words, I oppose the Resolution moved by my Honourable friend, Sardar Mangal Singh.

**Mr. J. Ramsay Scott** (United Provinces : European) : Sir, with the Resolution itself and with the first dozen lines of the Mover's speech, I have nothing but praise, and I am sure that if he had stopped there, he would have had the support of the whole of this House. We are all anxious that the Research Department should help our Radio manufacturers in the turning out of cheap and efficient sets. I understand specifications have been issued, which, if our manufacturers and assemblers in India get on to, will enable a radio set to be produced for Rs. 60 to Rs. 70. Radio sets today which are imported at this price and duty paid cost Rs. 100 are listed at Rs. 300 so that the retailer is making a good profit. It is obvious that there is a profit to the dealer or there would not be the numbers of dealers there are. The slump will come and prices will drop, and it is for this reason I suggest that perhaps the Director of Broadcasting might call a meeting of the biggest dealers with a view to arranging that there should be no cut-throat competition, but also that a fair profit is obtained and the interests of the consumer considered.

[Mr. J. Ramsay Scott.]

There is no limit to the sale of radio sets provided they are cheap, efficient and properly serviced.

The Broadcast vote for Rs. 40 lakhs ; of this about Rs. 32 lakhs will have been expended by the end of 1938-39. We have eight Broadcasting stations and a further two stations are to go up. When the scheme is completed we shall have a chain of stations which will cover the whole of India. Of course, Mr. B. Das will probably say that Orissa has been treated in a Cinderella fashion, but I assure him that the Calcutta station will supply all his needs. The scheme, as I say, is not yet completed, and it is too early to criticise the results so that I think any inquiry would be out of place until 1941 or until Federation comes in or whichever is earlier. This date seems to be the zero hour of an Utopia.

Now as regards the programmes, I understand a non-official Committee has been formed in Delhi and this Committee has been found to be so useful that other Committees will be set up starting with the presidency towns first.

Then I come to the meat of the proposer's speech, and I wish that he had omitted this part which is nine-tenths of his speech. He firstly complains of the appointment of the Director, saying that because he was superfluous in England he had to be dumped on India. This gentleman, he further states, was getting £1,000 a year and comes out here on £1,800 a year, a figure several times more than he got. I am afraid the Mover has so exaggerated his case that I need not criticise his arithmetic. I would, however, like to say that £1,000 a year, together with a pension in Great Britain, is a good income and I very much doubt if the Director is making a fortune by coming out to India. I think, in his case, he shakes the Pagoda tree in a time of famine. His English post was not superfluous, and the post is at present in existence and filled.

From the first case the proposer hops to the third expert, and he states that his only qualification was his recommendation from Sir Noel Ashbridge. Our Engineer is a B.Sc., London, and has had experience in North and South America, France and England, and his sponsor is the Chief Engineer of the B. I. C. Probably my Honourable friend, the Mover, would have preferred a recommendation in this form : " This is my nephew, passed or failed B.A. He is a very nice man and speaks and writes well but has not been able to get a job yet. Yours sincerely, J. Ramsay Scott, M.I.A. ". I need not ask which is the better recommendation. India is not yet radio-minded, and I think I may say without fear of contradiction that our Broadcasting Department is doing its best in this direction.

The proposer cites the selection of the Lucknow station site as one for condemnation. I wonder if he has seen it, because I have. I consider it an ideal site and one which will be quite free from any electrical disturbances. They say reception is good, and I have heard no complaints. I suggest that this is a case of the " Have nots " being jealous of the " Haves ". Allahabad is deadly jealous of Lucknow. This may have something to do with this complaint.

Next we get the complaint of men starting on Rs. 245 and Rs. 250 rising to Rs. 400 in a year, promotions amounting to an advancement of 200 per cent. This again is an over-statement of the case by over 100

per cent. Then there is the case of a man on Rs. 300 now getting Rs. 775. If my Honourable friend will look at these appointments from a less suspicious angle, he will see that the expansion of this department has been enormous in the last year; and I would say that this is the one department of the Government of India where appointments and promotions are made on merit and merit alone, and where if a man makes good he has been advanced instead of the post being filled by the appointment of new and untried men from outside. My Party and I are not prepared to censure Government for advancing proficiency and merit. I may say that now these posts are filled that appointments and advancements will presumably be slowed down to the ordinary yearly increments.

Sir, in conclusion I would state that I think India has every reason to be proud of its Broadcasting Department. Eight stations have been put up in eight months. I can see no reason to cramp its style and waste money on any useless Committee of Inquiry. This debate will serve a very useful purpose, and I am sure the Honourable Mr. Clow will welcome any constructive suggestions for the good of Broadcasting in India. Sir, I oppose the Resolution.

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : Sir, the Resolution before the House seems to me a very harmless and non-contentious one, but, unfortunately, in the two speeches delivered immediately before me, speakers have imported into it a communal or partisan spirit which one fails to see in the Resolution as it stands on the Order Paper. My Honourable friend, Mr. Siddique Ali Khan, saw three things in it, of which the first was an allegation of jobbery, for which I searched in vain in the Resolution. (Interruption.) I am talking of the Resolution itself, and not of any individual speech which might have been made in the last Delhi Session. It is on the Resolution which is before the House that I am speaking, and it is on this Resolution that debate will go on and ultimately the vote of the House taken and not on any speech of any Honourable Member.

I submit the Resolution simply asks for the appointment of a Committee ; and what is to be the function of this Committee ? The function of the Committee would be to inquire into the working of the Broadcasting Department of the Government of India with a view to make it more popular and effective. That is the first part of it and the second part, as I understand it, is, that ways and means should be found by which radio appliances can be manufactured in this country so as to place the benefits of radio within the easy reach of the poor people of this country. It seems to me that these are the two functions which are desired by this Resolution. I seriously ask how can the importance of these propositions be challenged ? Opinions may perhaps differ as to the success or otherwise of the Indian Broadcasting Service in this country and speaking for myself, I am positively of opinion that it is neither popular in this country nor is it effective. This, I believe, is also the view of the vast body of my countrymen. My Honourable friend, Mr. Ramsay Scott, on the other hand says that it is satisfactory and that India can be proud of this service. As an Indian I cannot be proud of it. It is hopelessly inefficient and ineffective and even demoralizing. Does the broadcasting service of this country really discharge the important functions that were expected of it ? Look at the progressive countries in the East and

[Pandit Lakshmi Kanta Maitra.]

in the West. There the wireless is a most powerful dynamic social institution, entertaining, educating, elevating and enlivening the people. And what is the position in India? From the broadcasting service here, we generally have some music, some descriptions of travel, some stories, some light talk, market rates of some commodities, the results of some football game or cricket match and things like that. Is it the function of the broadcasting service to do only this kind of thing? Has it no more important, useful or serious thing to do? Compare things in India with those in Japan, Europe and America and you will be convinced that the broadcasting service in India has failed of its purpose.

**An Honourable Member :** What should be done ?

**Pandit Lakshmi Kanta Maitra :** I am coming to that. (Interruption.) I am not opposing any community. I am not entering into personalities. I expect some amount of charity and patience while I am dealing with this subject in an entirely non-communal and non-controversial spirit. I am talking of principle and policy. If we look at the past history of this service, we find that it was in the early stages maintained by private organisations like the Radio Clubs in Bombay, Madras and Calcutta. They could not function well because of the paucity of funds. The Government of India no doubt came to their rescue and financed them from the licence fees. But the service could not be carried on. It was then taken over by the Indian Broadcasting Company so that it might cater to the needs of the whole sub-continent of India. Accordingly, in the year 1927, one station was opened by the then Viceroy in Bombay and another in Calcutta by the Governor of Bengal but, after functioning for two and a half years, the Company closed down as it could not make itself popular and finally the Government of India had to take it up in the year 1930. When we came to the Assembly we found that the predecessors of my Honourable friend, Mr. Clow, had framed a detailed programme of development and what they did was to bring out from Great Britain Mr. Fielden. He became the Controller of Broadcasting of the Delhi Station and eventually of the whole broadcasting service in India. Later on, as the House is aware, we budgeted 40 lakhs for further development of the broadcasting service in the year 1937. The House will realise that in the past, at every stage of its development this service received a setback. At present Government of India have been functioning in their own way and most of us know from personal experience that it has not been functioning in the way in which similar institutions are functioning in all advanced countries in the world. Therefore, I think that an inquiry is not only desirable but necessary so that we may not waste further money on it. Mr. Kirke was brought from England. He produced a report on the wider development of broadcasting in this country. This report was not published. The people of this country were left in the dark about it. Then Mr. Goyder was brought in. He is said to be an Engineer. With the collaboration of these estimable gentlemen, who are supposed to be experts, Government formulated and put into operation an elaborate scheme of broadcasting for the whole of India. The programme today is, that the cities of Calcutta and Bombay are each to have a high power transmitter of 10 kilowatt aerial power and the city of Madras one 10 kilowatt transmitter for the whole Madras Presidency and another transmitter of smaller power for the Madras city only. Now,



you can understand when these short wave and medium wave stations are introduced into this country, what complications are likely to arise. As things stand today, it is a common complaint that wave lengths of the stations clash, that Calcutta cannot pick up Delhi and Delhi cannot pick up Calcutta, Delhi cannot catch Bombay and Bombay cannot catch Delhi.

**An Honourable Member :** We can hear them quite well.

**Pandit Lakshmi Kanta Maitra :** You may have super-sensitive ears, but we cannot hear them. I don't know whether Honourable Members have perused the statements that have appeared in the Press from time to time about the working of these radio stations. It is said that the wave length of the Delhi station happens to pass rather too close alongside of the Bombay line, with the result that they clash with each other. Some of my Honourable friends must have noticed statements in the Press to that effect. I want my Honourable friends, Mr. Scott and Mr. Boyle, to pay a little attention to this as they seem to be highly satisfied with the present Broadcasting in India. Indian scientists of very great eminence have pointed out that these stations have been indiscriminately set up without proper scientific soil research and in total disregard of their surroundings and of the power of receptivity and conductivity of the electromagnetic waves. I see my Honourable friend, Mr. Bewoor, smiling. This is a scientific matter and not one of Posts and Telegraphs. Dr. Megh Nad Saha, F.R.S., an eminent Indian scientist, expressed the view that this whole scheme of Broadcasting has got to be fully investigated and a thorough scientific research and inquiry undertaken in connexion with these broadcasting stations, if they are meant to be effective. Mere smiling will not do. And the pity is that no Indian scientist or expert has been utilised or consulted in this vast Indian enterprise run with Indian money !

I submit, Sir, that by merely establishing transmitting stations in different parts of the country like Lucknow, Dacca and Peshawar and also by installing high-power transmitters in other places, they may not solve this problem of effective Broadcasting in India and all this may after all prove to be a waste. The radio is a most useful social institution and, if properly conducted, it may act as a powerful lever of moral, intellectual and material progress in this country. But, after all, what story does the actual situation in this country tell ? It is the same old story of further imprisonment of India, her further economic drain without any appreciable compensating gain. During the last four years, the number of licensees has well nigh trebled and the income of Government from license fees has increased by 300 per cent. and that from customs duties by 600 per cent. I find, Sir, there is derisive murmur going on on the Treasury Benches, but I will give the actual figures. In the year 1932-33 the total value of radio imports into this country was 10 lakhs. In 1933-34, it was 11 lakhs. In 1934-35 it was 16 lakhs. In 1935-36 it was 28 lakhs. In 1936-37 it was 35 lakhs, and in 1937-38 during the nine months for which figures are available it has amounted up to 41 lakhs.

I have other figures also. But time is pressing.

**The Honourable Mr. A. G. Chow** (Member for Railways and Communications) : I was not disputing the Honourable Member's figures. I am very grateful for these unsolicited testimonials.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Is the Honourable Member quoting the income from customs ?

**Pandit Lakshmi Kanta Maitra** : I am giving the value of the imports of radio articles into this country. Now, what are the countries which are profiting most at the cost of India and as a result of the Indian broadcasting development ? In the first place it is the United States of America which had exported to this country to the tune of 13 lakhs in the year 1937-38 during the nine months and 14 lakhs in 1936-37, and Rs. 10,96,345 in 1935-36. So America is leading all the countries of the world in the matter of exporting radio goods to this country. Next comes the United Kingdom.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has two minutes more.

**Pandit Lakshmi Kanta Maitra** : Sir, I am sorry. I have so many things to say and I have had so much interruption during my speech. The United Kingdom comes next. Then the funny thing is that the Netherlands, of all countries, comes third, exporting to the tune of Rs. 10,83,000 in the year 1937-38 and all other countries in the last year, articles worth Rs. 3,54,928. The House will thus realize what a vast amount of money is being drawn out of this country. Year after year. So we want a Committee composed of non-officials, experts, as well as of officials to investigate the question of manufacture of wireless appliances in this country and if necessary to give directions to the Broadcasting Department to give direct help and encouragement for the manufacture of radio sets in this country. We may thereby stop a vast amount of about half a crore of rupees being drained out of this country every year. Sir, a poor country like India cannot afford to have high-priced radio sets. There must be cheap sets for her people. This vast development in Broadcasting will be of little use to the country if its benefits are not placed within the easy reach of the poor masses.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

**Pandit Lakshmi Kanta Maitra** : I will finish, Sir. The number of licensees has now mounted up to 55,000. But this is negligible compared to her vast population. This Resolution, Sir, is not intended as a censure upon Government. They have from time to time appointed so many committees and commissions ; let them agree to this Committee. This is an offer of co-operation on our part. We all desire that broadcasting in India may be run on sound and healthy lines. With these words, Sir, I support the Resolution.

**Lieut.-Colonel M. A. Rahman** (Nominated Non-Official) : Sir, I cannot help commenting on the very low level on which the debate took place on the last occasion when my friend, Sardar Mangal Singh, brought forward so many accusations against the All-India Radio Department and the many wild statements he made. Sir, he then made many insinuations against certain officers of the Department and, especially, I will make an allusion to his reference to the Bokhari Broadcasting Corporation in India, without giving any shred of proof in support of the statements he made. He mentioned that certain officers were appointed on very low pay and that

in a very short time they got rapid promotions. Well, this is only the natural course in a department which has just been established and which is growing rapidly in every direction. This state of affairs is usual and it cannot be helped, because when officers of suitable qualifications and special adaptability are engaged perhaps on low pay, to be tried at first, and then when occasion arises and they prove their worth, well, they are given rapid promotion. Sir, when new stations are opened in different places, such a state of affairs is natural and will be occurring every now and then. I believe that in a service like the broadcasting service the rigors of the ordinary Government rules and regulations should not apply so much as in other departments. Merit and special adaptability of the candidate for the service should be the only criterion, as it is the case in the B. B. C. in England. Even if it is admitted that a few appointments have been made, I fail to understand how my friend Sardar Mangal Singh, could connect it with one or two officers who have nothing to do with the controlling of broadcasting or the policy followed in that Department. This perhaps is only a reflection of the cheap propaganda which has been carried on in some of the vernacular papers, and perhaps with a certain amount of communal bias.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : You introduce that now. Keep it on a high level ! (Interruption.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.

**Lieut.-Colonel M. A. Rahman** : This House should certainly refrain from being influenced by such petty considerations, and should encourage a small body of officers, mostly Indians, who are doing their best to establish this department which has got so many potentialities.

The next point I will touch upon now and on this point the House has very pronounced views and that is the importation of experts from abroad. Well, as far as I know, only three experts have been imported in this Department. I think I am right in saying that the only experts who have been imported are the Controller, the Chief Engineer and the News Editor. All of them have been imported on short service terms only and their fundamental duty is to train Indians, and as soon as they find them capable of replacing them, they will leave this country. (*Voices* : “ Are you sure ? ”) Sir, I am second to none in my desire to see my own nationals getting preference in the appointments in every department of the Government, but I am not prepared to admit that, when Indians of suitable qualifications are not forthcoming, we must spite our face and refrain from getting experts from outside even on a short term, who could render useful service to our country. The necessity of importation of experts has been proved and I hope a day will come when we shall be self-contained in this department. I hope it will come soon. But till such time as we are capable of running this Department, we should not pass any remarks or bring any false accusation against the running of the department. There is no use ignoring the realities of the situation. Radio had been introduced in European countries long before it came to India and the Europeans naturally have got more experience in the organisation, in the technique and in many other ways of establishing broadcasting system in India. Therefore, the Government of India were in duty bound to do what they thought was the best in the present situation by employing experts from outside, who are doing, as far as my knowledge goes, admirable work

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under very strange and difficult circumstances. Besides, this department, as far as my information goes, is now recruiting in India for higher appointments through the Federal Public Service Commission and I am also informed that lately many advisory committees have been set up.

**Mr. M. Asaf Ali** (Delhi : General) : Where have they been set up ?

**Lieut.-Colonel M. A. Rahman** : In Delhi and in other places. That is my information.

**Mr. M. Asaf Ali** : Your information is quite wrong.

**Lieut.-Colonel M. A. Rahman** : Well, Sir, now I come to another point of my Honourable friend, Sardar Mangal Singh, as regards favouritism which he mentioned in his speech on the 8th of April last. He then used many words like nepotism, favouritism, corruption and so on. Now, take favouritism. It is the curse of India that when new jobs are advertised, hundreds apply owing to unemployment. Those who are not taken, they do not attribute it to the failure of merit on their part but they attribute to the influences brought about by the candidates who are taken in. That is the curse of India. But the leaders of public opinion should not encourage it. Now, Sir, there is the question of programme. My friend, Pandit Lakshmi Kanta Maitra, has just said, what is this broadcasting in India ? A few love songs, a few country songs, a few news, and so on, are being broadcast. I would like to ask him, what else does he want besides these love songs ? Another remark which he made was regarding soil research. I happen to have read Prof. Saha's articles on these various matters. It is not at all true to say that the Professor has said that no research has been conducted as regards the soil, electric conditions, and so on. Now, Sir, as regards the programme of music, there has been a lot of controversy. Some like classical music, some prefer light music. Therefore, it is only to be expected that you cannot satisfy all tastes when there is a diversity of languages and when there are different schools of music. Take classical music first. How many of you can understand and appreciate classical music ? Will Prof. Ranga or Dr. Sir Ziauddin Ahmad appreciate classical music ?

**Dr. Sir Ziauddin Ahmad** : I will be the last man to appreciate it.

**Lieut.-Colonel M. A. Rahman** : I know Dr. Sir Ziauddin Ahmad enjoys music, but not classical music. Anyhow, the work which is entrusted to the department must be judged with patience and sympathy. The Radio Department is gaining experience day by day. They have been inviting public criticism and they have been most anxious to get public opinion. They are changing their programmes accordingly. I know all these things are being done. Now, what are the complaints regarding music programmes. To start with, let us see what the department is doing in this direction. There is hardly a well-known musician or a speaker or a dramatist or a writer who himself or his work has not been presented to the microphone. At least, we must give them the credit for giving us the best Indian culture as far as it has been possible to do so. I do not know whether the House will appreciate it, but the question of the percentage of classical music as against light music is a very debatable point

not only in India, but in every country of the world. A critic, of course, looks at the light music as a degradation and he looks at the classical music as an art, but remember there is such a thing as microphone suitability. Your best speakers and your best musicians may be an utter failure before a microphone. So, the people who say that the music here is utterly nonsensical do not know the realities of the situation. It is quite a different thing to see a musician singing before you making his gestures and expressions, but you do not pay so much attention to the quality of his voice. But before the microphone, all these things are excluded except the quality of the voice.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has only two minutes more.

**Lieut.-Colonel M. A. Rahman** : Then, Sir, the new type of music is called the Tagore school of classical music and I believe also some of the film companies indicate possible line of change which is in the direction of simplification, increased stress on voice quality and in the words of songs and greater realization of the importance of form.

In the end, Sir, I wish to appeal to the House that Radio, as we all know, is new to India. It has many possibilities, not only for amusement, but for education and instruction, for health and sanitary conditions, for economic and social life. Let us not be led away by hearsay and prejudices and narrow-mindedness, but stand for the growth of this newly born child. Let it grow up. It is likely to help in the solution of many difficult problems in this country. Give it a chance. Let the organisers establish their reputation ; let them build up their organisation and judge them when they have crystallized their position and then there will be plenty of time for you to criticise and bring forward this Resolution. But under the present circumstances I cannot see my way to support the Resolution. I oppose it because I believe that no useful purpose will be served by appointing this Committee.

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau :

1 P.M. Indian Commerce) : Sir, may I, with your permission, at the outset clear up what appears to be a positive misunderstanding. I heard with very great care the speech that my Honourable friend, Sardar Mangal Singh, delivered in moving this Resolution and I am sure what he was trying to do was to refer to the kind of criticism to which this department was being subjected outside in the press and in private conversations. Sir, on behalf of my Party—in fact, on behalf of every non-official Member here—I will say straightaway that nobody is trying to make capital out of this at all politically or communally. I request every Member of this House belonging to any community not to treat this great subject with the pettiness and narrowness with which it has been suggested that it may be treated. I would make an appeal to every Member of this House and to every section to look at this with the importance which it deserves and which I will endeavour to point out as we go along. Sir, I will go further and make it quite clear that I have nothing whatsoever to do, with, and I have never set my eyes on any official of this department and that none of us is actuated by any personal or any narrow motive of any kind. I will go further and say that I am willing to recognise and I will ask Honourable Members here to

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recognise that when a department is newly set up, when it is experimental, when the staff and the people are new, when they are new to team work, when they are assailed with personal criticisms, criticisms of personal liking, when listeners from all quarters belonging to different sections and different types of culture ask for this, that and the other, I want Honourable Members of this House to recognise that such a department is bound to have difficulties and to sympathise with such difficulties. But at the same time I wish to bring to the notice of this House an experience which I had with another department, created *ad hoc* for the purpose in Bombay called the Development Department of Bombay. This department was created by bringing into being in the first instance as director what they thought was a powerful man. The department expanded rapidly almost on parallel lines like this department has been expanding and it ultimately landed the province and the Government of Bombay into a loss of several crores of rupees which the province will be paying for years and years—for the next sixty years. It is my intention to point out to this House and to warn them that we must take care that notwithstanding all the defects of this department such a situation does not arise. The importance of this department lies in the fact that it had been favoured by Sir James Grigg ever since he became the Finance Member and that progressively increased allowances and increased expenditure from revenue has been sanctioned. Up-to-date, that is to say up to the end of the present financial year, this department would have spent in revenue and capital charges no less than 85 lakhs of rupees. This is a big sum and we, Sir, as Members of this House, are the custodians of the taxpayers' finances and it should be our object to see whether we get adequate return for every rupee spent in this manner.

• Sir, I will also point out to the fact that the department is not what it was when it started. It may have started as a small baby, as all new departments start, but it has expanded rapidly. Some of us doubt whether the expansion has been on proper lines. In any case, it has expanded rapidly so much so that many new stations are now being opened. It is a debatable point whether it is of importance to strengthen a few central institutions or whether it is of importance to set up several small provincial centres. That is a large matter of policy. The department has now expanded and is working in so many districts and it is difficult to control them from the Centre. We have, therefore, expensive tours on behalf of the Controller, we have meetings of the stations directors also held. It is the curse of this country that costly conferences are held at the Centre, with regard to each and every department. I say it is worth while watching whether this department is now working and is going to work in the next few years on the most economic lines. Its work is undoubtedly difficult. I do not wish to withhold sympathy or credit from those who have been tackling this work, so far as they deserve such, sympathy and credit. But there are many major matters with regard to this department which require looking into and which require looking into by responsible Members of this House. We are going to criticise this department not merely for what it has done. We give them credit when they have done well. We say that there are some things which have not been done. That is not denied. In fact the very clever Member in charge of this department, the Honourable Sir Thomas Stewart, in reply to several questions in this House,

admitted the defects in very sound parliamentary language. I will repeat those words. "I should be reluctant", said Sir Thomas Stewart, "to claim that the absolute has been reached in any of these matters". He further said, "Government are now not so complacent as to assume that perfection has been attained". Now, Sir, this is a parliamentary admission of defects. All that we now say is, let us have a committee, the constitution is not restricted in the Resolution beyond saying that we want a non-official majority. Let us have a committee which will examine not only what has been done in this department in the past, but what should be the general lines of development in this department in future.

With regard to the past, I will take up a few points only as the time at my disposal will not permit me to deal with them in detail. With regard to the past, vast purchases have been made. A very small portion of the money is being spent in this country and the major portion is being spent in England without calling tenders, competitive from Germany or America. It has been spent in the United Kingdom also by the system of limited tenders. All these matters have been admitted. I do not say that there was necessarily anything wrong, but I say that we should lay down sound lines for the future. Then, we raised the question as to the manner in which the accounts were kept. We were told that capital and revenue accounts were not kept separately, that commercial accounts were not kept, that interest and depreciation were not reckoned separately, that mere *pro forma* accounts were kept. We were told that it was not the immediate intention of the Government to turn this department into a commercial department. May I ask, why not? It will be realised that considerable sums are involved. It is a matter of policy which I would ask this committee to examine, whether the duty on the import of radio sets should be 50 per cent. It is further a matter of policy whether license fees should be Rs. 10, when it is pointed out that in the United Kingdom it is almost half of what you are proposing to charge and what you are actually charging in this country. Both from the point of view of the taxpayer and from the point of view of the listener, there are issues involved which need a close examination. Then, Sir, we had the question about audit, we had the question about recruitment of the personnel through the Public Services Commission on which I am glad on the information of my Honourable friend, Colonel Rahman, who spoke last that all the new posts are now being recruited through the Public Services Commission. Sir, with regard to the personnel, I do not want to say that any particular individual who has come is fit or not. I only judge by the results as they strike the public. We are entitled to feel some apprehension as to whether everything has gone right when we are told that several places which were filled up were filled up without any advertisement. For example, I am told that Mr. Fielden's post was never advertised, that Mr. Gyder's post was never advertised. It may be that by selection you may find a good man; on the other hand in all public State departments the invariable rule and the only safe rule is to advertise for these places. Then, Sir, I do not want to discuss the qualifications of individuals, but I will take the opportunity to quote Sir Thomas Stewart's own words:

"The Controller of Broadcasting has no technical, i.e., scientific or engineering qualifications, but he possesses specialised knowledge and knowledge of the administrative side of broadcasting."

[Mr. Manu Subedar.]

I have no reason to doubt that he does possess it, but all I say is that after he came here, here was a department rapidly expanding. It may be that he has made his best effort, but whether this effort has given adequate results or not is for the taxpayer, who has paid the piper, to judge. All I am saying is that we should have a committee to examine these matters. Let us have this committee and see whether the promotions which have been very rapid in this department have been rightly rapid or whether there has been an error, an error to which all officials, being human, are liable. I do not say that the committee will necessarily find against them ; the committee may find that everything has been done properly and the committee may even give credit to those who have done it properly. But generally in such matters what raises difficulty is the question of prestige. From these Benches we have asked questions for information, questions which do not involve any personal or any other low, narrow or petty motive ; and yet we have been definitely turned down and no information is vouchsafed. Even the faults of the department, which are well-known, are being covered up by the answers in their defence. It may be the right parliamentary system but we say that now after nearly four years of the existence of the department it is time to take a review and to examine whether everything is all right and what should be the lines for the future.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has two minutes more.

**Mr. Manu Subedar** : Then, Sir, I will summarise in a single sentence that with regard to the two technical matters there is discontent,—discontent with regard to the non-publication of the Kirke report, and discontent with regard to the choice of the wave lengths, which I can see from the representation of the Association of Radio Dealers who ought to know what they are talking about. There is a wrong choice between 60 and 90 taken, a wave length which many existing machines of listeners do not provide the facility to catch.

Then, Sir, lastly I will say that this department is not being run on business-like lines. I endorse everything that my Honourable friend, the Nawab Saheb, said with regard to the production of cheaper sets. It will be a business proposition for Government to produce cheaper sets in order to increase the number of licensees. Why are they neglecting their own opportunities by this kind of thing ? I am sure there are ways and means of doing this.

Lastly, Sir, I repeat that this demand is not narrow or communal. This demand is a broad demand from everywhere. No less a party than the editor of the estimable paper *Statesman*,—a party which generally has a soft corner for Government,—is now saying that “ there is something basically wrong ” with this department and that the demand for a committee is fit and proper. I hope, Sir, that in view of the several important financial and business considerations which I have put forward, the House will abandon every other narrow test and will say that on these grounds we who are responsible to the taxpayers must look into this and discharge our responsibilities properly.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.



The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. N. M. Joshi** (Nominated Non-Official) : Mr. Deputy President, I am afraid I may not be able to keep this discussion on a very high level. I have to refer to very small incidents because from these small incidents I have formed the impression that this department of the Government of India is not being conducted in an efficient manner. The things which I shall narrate are a part of my correspondence with this department.

About a year ago this department asked me whether I would give a broadcast talk ; and in that letter they mentioned that a paid telegram form was enclosed with that letter. I did not find the telegram form. I wrote to the department telling them that I could not broadcast as I was busy, but there was no telegram form enclosed. I wrote to them for two reasons : I am interested in seeing that the public departments in this country, departments of the Government of India, should be managed efficiently. I am also interested in seeing that those officers who conduct our departments are above suspicion in the matter of money. I thought that if the telegram form was not enclosed with the letter either it was a mistake of somebody or somebody was in the habit of swallowing nine annas and not send the telegram forms. I expected the department to write to me saying that they had made enquiries and that it was either a *bona fide* mistake or, if somebody had taken the money, they had punished that man. I heard nothing. This is one of the instances. I do not wish to judge this department by this one case. Then I was again asked to give a broadcast talk and a sort of contract form was enclosed with that letter. I accepted the invitation, signed the contract form and sent it to the department. I gave the broadcast talk and they asked me, if I wanted the money I must send the contract form. But I said I have sent them the contract signed already. They said : " Our accountant is changed and the form may have been lost."....

**An Honourable Member** : Did you get the money ?

**Mr. N. M. Joshi** : I got the money all right because I signed another contract form. I will give another instance. When they wrote to me asking me to give a broadcast talk, the letter was addressed not to any address which is known to me. I quite realise that mistakes are made : I assure you I realise that. I myself make mistakes. I, therefore, wrote to the department asking where they got this address of mine, because I had never stayed at the place to which the letter was addressed. I thought I might receive a reply that a mistake was made and they were sorry for it. No, Sir. That was not the reply. The reply was that they could not trace how a mistake was made or who sent that letter....

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : What was the date of that letter ? Was it the 1st April ?

**Mr. N. M. Joshi :** I do not know all those dates. I have given these three cases. If there had been one instance I would not have complained. I would not have drawn the conclusion that the department was inefficiently managed ; but these are three cases in the correspondence with one man within a short period of about a year ; and if I draw the conclusion that the department is inefficiently managed, may I ask you whether my conclusion is absolutely without foundation ? But my complaint is not only that. I quite realise that this is a new department as our Honourable friend, Colonel Rahman, has told us, and it may take some time to attain efficiency. But what I found was unwillingness to be efficient. If I go out of my way to tell them that something wrong has happened, I expect them to take steps that these things will not happen. On the other hand these people try to suppress these acts of inefficiency of their subordinates. I would, therefore, like the Government of India to make a close inquiry. It is not right to excuse inefficiency on the ground that the department is a new department. Let us make some allowance for the fact that the department is a new one ; but let us at least see that the department is willing to reform itself. I have seen no signs of that. I was sorry that my Honourable friend, Mr. Ramsay Scott, gave a certificate to this department for its efficiency. He may have some personal knowledge about its efficiency but my experience is quite different. I would like to make one or two other remarks about the financial aspect of this department.

I would like the Government of India to tell us whether this department is conducted in such a manner that its burden will not fall on the poor people. So far as I can judge today, it is the well-to-do classes in this country who are making use of the radio department. The radio sets are mostly practically beyond the means of what I may call the poor people. I myself have not been able to purchase one set yet. I, therefore, propose that the cost of the department should not fall on the general revenues of this country. The cost should fall upon those people who want this department. I am not suggesting that the department of broadcasting should not be maintained at the public expense. If the department is to be maintained at the public expense, its benefit must go to the poor people. I, therefore, want to know what the Government of India is doing to make the broadcasting service available to the poorest people in this country. If they are making losses on this department in order to benefit those classes who can afford to spend a fairly large amount of money to purchase a radio set they are not justified in spending public revenue on this department. I, therefore, want the Government of India to take steps in co-operation with the various municipalities in this country, in co-operation with the Provincial Governments in this country, to see that the broadcasting service is made available to the poorest people in this country. Even the poorest people in this country have a right to have some recreation and to have a powerful means of education and instruction.

: (Last year during the Delhi Session I was one of those people who asked the Honourable Member in charge whether he publishes a sort of commercial account for this department. I was told, no. I do not know, Sir, why. This is not a department intended for the poor people. This is not a department of which the poor people get the full benefit. Fairly well-to-do classes get the benefit of this department, and it is

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our business to see that this department's accounts are kept on commercial lines. The Government of India have taken steps to put their Postal and Telegraph Department on commercial lines. Why are they afraid or ashamed of putting the Radio Department on commercial lines? I, therefore, feel that the Government of India should revise their policy and place the accounts of the Radio Department on commercial lines.

One word more, Sir, about the training of Indians for this department. I was told by my friend, Mr. Ramsay Scott, that it is necessary to import experts in the beginning. But, Sir, before we import any experts, is it not the duty of the Government of India to train Indians for this purpose? The Radio Department was not started over-night. The Government of India must have considered this question for about two years. The thought must have occurred to them that India must have a broadcasting service. Then they must have held certain conferences and consultations, and I am quite sure they must have spent about two years' time in considering the question. If the Government of India had sent say two, three, four or five Indians abroad to be trained for this purpose, the money would not have been wasted. But it is not the policy of the Government of India; their policy is not to train Indians and place them in charge of important departments. The Government of India is afraid of placing Indians in charge of important offices. That is the real secret. If the Government of India really wanted Indians to be trained and placed in charge of the departments, there was time enough for them to do so. Moreover, we are told that these officers will train Indians. I am very doubtful about it.

**An Honourable Member :** Everybody is doubtful.

**Mr. N. M. Joshi :** The other day the Honourable the Commerce Member told us that he did not ask an Indian whether he would accept a post or not depending upon ordinary human nature. May I ask, Sir, whether it is ordinary human nature for a foreign expert who has come to our country to train Indians knowing very well that he would lose his job the moment he trains them, whether it is ordinary human nature to train suitable Indians to occupy the positions which these foreign experts themselves are holding today?

**The Honourable Mr. A. G. Clow :** Hundreds have done it.

**Mr. N. M. Joshi :** Hundreds have done it; hundreds may not have done it. We have got experience of people who were brought here as experts for a certain period and they are continuing still, and that shows clearly that these foreign experts have not trained Indians. Hundreds may have done it, thousands may not have done it, and we know very well that we are being trained for over a hundred years by foreign experts, and the services are still indispensable! I, therefore, feel, that the right policy for the Government of India is not to import foreign experts, but to send out Indians to be trained abroad. The Indians who are trained abroad will remain in this country; they get experience and they will be able to give the benefit of their experience to this country even after they have retired from Government service. Our money is spent on foreign experts and that is wasted. A foreign expert comes here; he becomes a better expert after five years even if he trains an Indian, and when he gets experience for five years,

[Mr. N. M. Joshi.]

he goes out of the country. The country loses the experience which he has got at our expense. I, therefore, feel that the Government of India should revise their policy in this matter. Whenever they want experts, they should send out Indians abroad to be trained, so that not only they may occupy positions which are necessary to be filled in, but the country also may get their experience even after their retirement from service. I hope, Sir, that the House will pass this Resolution.

One word more about the appointment of a Committee. This is one department, Sir, about which we have heard all sorts of things. I am not saying there is truth in those rumours. I have had no occasion to verify those rumours, but the fact remains that all sorts of queer rumours are there. Is it in the public interest, I ask, that anybody here or any section of this House or the Government of India should oppose an inquiry? By not agreeing to an inquiry, you will only give justification for those rumours and for the further spread of those rumours. I, therefore, hope that the Government of India will not oppose this inquiry, not only to give a quietus to these rumours, but also to see that this department is conducted in the interests of this country.

**Sir Muhammad Yamin Khan :** The Resolution, Sir, says that a Committee be appointed in order first, to inquire into the working of the Broadcasting Department, secondly, to make recommendations regarding its working in the future so as to make it more efficient and popular, and thirdly, to suggest measures for encouraging the manufacture of radio goods in India. I will take each case separately. I shall take the question of popularity first. I am very glad that my friend, Pandit Lakshmi Kanta Maitra, from Bengal, gave us certain figures, and they clearly show that within the last six or seven years this Department has made radio very popular in this country. If the figures of radio goods imported into this country have gone up in the manner stated by the Honourable Member, then there is very little doubt that radio is becoming very popular in this country. In fact it has become very popular.

Then, the second thing is whether the department should be made more efficient. The Committee which is proposed to be appointed is to have a non-official majority, and my friend also suggests that some experts should be included. I am always doubtful, Sir, whether the efficiency of a department's working can ever be achieved by the advice of non-officials who have had no experience of the working of a department?

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : You have no faith in yourself.

**Sir Muhammad Yamin Khan :** If there are going to be experts on the Committee, certainly they can advise much better, but from where are we going to get experts to advise on the working of the radio?

**Mr. Mohan Lal Saksena :** From India.

**Sir Muhammad Yamin Khan :** But the same question will come before this House again and it will be said that foreign experts have been imported here. We had an expert appointed to make the railways more efficient, and people were brought not from India, but from South Africa, from England and other countries. Now, my friend gives to

the Government a handle to appoint foreign experts, knowing very well that there are no experts in India who know anything about the working of a Radio Department. If we import experts from abroad, then some people will take the Government to task and ask the Government of India as to why they brought outsiders from abroad.

**Pandit Lakshmi Kanta Maitra :** We have got enough experts here.

**Sir Muhammad Yamin Khan :** It may be my friend's opinion, but as far as I know, there are no experts here except those who are employed in the Radio Department. Then, Sir, if some non-officials sit together, what advice can they give about the working of the radio or to improve its efficiency ?

**Mr. M. Asaf Ali :** Are you a member of the Advisory Council ?

**Mr. S. Satyamurti :** What are you there for ?

**Sir Muhammad Yamin Khan :** I will tell you very soon. The other point comes in about working in the future. That is something connected with efficiency. I need not bother about it as I have already explained. The third point is about the manufacture of radio goods in this country. May I ask how any committee of non-officials, combined with experts, who may be experts only in the working of the department, can advise about the manufacture of radio goods ? My friend, Mr. Subeḍar, comes from Bombay and is probably connected with all the financiers there. This is the duty of the merchant class. As he was saying, patriots are not lacking in this country. Only day before yesterday, they were saying that people are ready to sacrifice and accept jobs on lesser salary. When these rich merchants of Bombay come forward to produce cement, buy Tatta shares and steel shares and so on, why cannot they have radio sets made in India. Everything which people want to shelve is referred to a committee and a committee which is appointed to do anything does away with the object for which it has been appointed. Let us see frankly what this Resolution means. Lot of questions have been put in this House for a long time on the personnel of the staff of the radio. If you read the debates of this House there have been every day questions as to why such and such a man has been appointed, why such and such a man has been given promotion. This department employs certain individuals and certain posts fall vacant and naturally people make applications for appointment and if they are disappointed they seek the help of the Members of this House. I think there is bound to be deterioration in the service if Members of the House interfere in the selection of the staff. Anybody who gets disappointed rushes up to one Member and asks him to put a question. The Honourable Member from Bombay said that this committee should examine whether any individual has been given rapid promotion or not. I would have whole-heartedly supported this Resolution but for the underlying motive behind this Resolution. Why do you pick up one department and ask for an investigation ? If you want to retrench the salaries, then take up all the departments of the Government of India and see if anybody has got too rapid a promotion in the last ten years and is receiving twice or thrice the salary he was getting. Why make this invidious distinction and pick up one department and why attack two or three individuals who cannot defend themselves. That is not the proper way for the House to adopt.

**Mr. M. Asaf Ali :** I should like to know whether the Honourable Member was against the ~~Sk~~cen Committee and the Inchcape Committee also. They were dealing with expert questions.

**Sir Muhammad Yamin Khan :** I am not going to speak on all the things in Timbuctoo. The Advisory Council advises only on certain matters which are put up before it. As far as the radio programme is concerned, there is a committee. The Council divides itself into several sub-committees. One is the rural programme sub-committee. There is another sub-committee which advises about the music department. The people there do their best but I am sorry to say on the floor of the House that we really do not get sufficient material which we ought to get before us and the advisory council should be taken into greater confidence and their advice should be sought on broader issues. I am not here to justify the doings of the department but what I stand for is this. The Resolution as it is drafted is not very desirable. The reference which has been dragged in about personalities is most undesirable and this House should never indulge in this sort of thing. Had this Resolution been worded better and if the personalities had not been dragged in, then the Mover would have found greater support for his Resolution than he is finding today. I think the committee will do no good. It is not desirable. It is not wanted and I hope that the House will not accept this Resolution.

**Babu Kailash Behari Lal** (Bhagalpur, Purnea and the Sonthal Paraganas : Non-Muhammadan) : I rise to support this Resolution not so much with the hope of its acceptance by the House

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but to have my say, as I want to say something. I have lost hope of the acceptance of this motion because in the very beginning some questions have been introduced which even the Mover of the Resolution had not in his mind. I appeal to the sections of the House which have introduced this feeling or this controversy to consider the matter coolly. The Mover of the motion did not mention the name of any Muhammadan but he mentioned the name of one Mr. Bhatnagar, when he was pulled up by the President, and he mentioned that this man had been raised from a petty salary to the position of one drawing a salary of some Rs. 500 or 700 a month and from this very instance it might appear that his intention was far from attacking any community particularly. After going through his speech, which is already in print now, one can very well find that his intention was far from communal, but it was an attack on the whole system of administration as carried on by the particular Department.

**An Honourable Member :** What about the reference to the Bokhari brothers ?

**Babu Kailash Behari Lal :** Of course it is unfortunate that that has been interpreted by one section of the House in that light but speaking against the Bokhari brothers or the Bihari brothers or against any other brothers does not amount to attacking any particular community. Our friends should have taken it in that light. Now, even if there were a relative of some of our friends here, and if the Department was being mismanaged, any reference to that relative should not be taken in that light that it is a personal or communal attack but it is an attack upon the Government, upon the administration which is being run not

properly. If it is looked upon from that point of view, from the point of view of the best administration, then of course it would appear that there was no such intention. I have gone through the speech of my friend, Sardar Mangal Singh, and have found that there seems to be no intention of an attack against any particular community, though it might be an attack against a particular individual who might be mis-managing affairs. If our friends would have taken the matter in that light, the fate of the Resolution that is now going to be determined would have been otherwise. However, I have already said that I have to say something and I must have my say. There are different points of view that have been placed before this House. Some friends have given the history of the broadcasting movement here in India. Some have given a certificate to the Department that it is carried on very efficiently and some have wanted efficiency in the matter of the supply of cheap radio sets. Some have wanted a particular thing and others have wanted something else. To me it seems that although for a poor country like ours the supply of cheap radio sets is surely a necessity, at the same time we should not lose sight of the justice that should be done equitably to all parts of the country. We find that even the *Statesman* in its editorial today has hinted that of course if the Government would have given as much attention to the supply of cheap radio sets as the Government is giving its attention to the setting up of so many radio stations, the All-India Radio Department might have done some real good. That is quite in conformity with the idea that the Europeans should be still pampered as they have been up till now. Our conviction is that up till now the Government has catered very much more for the pleasure of the European section in this country than for the real education and the progress of this country. The important stations are in the important presidency capitals where the European section predominates. They have got radio stations there since a long time, and it is those places that are being provided still further number of stations. Sir, I put a question during the last Simla Session regarding the radio stations in the provinces where they are not in existence and the reply of the Government was that the existing stations are supplying their need and though the stations that were being contemplated to be established would have supplied the needs of the different parts of the country, they have not yet got any radio station. My question was whether the present radio stations are really serving the needs and I had doubted that perhaps the distance which they were intended to serve was not being served by the present radio stations and the Honourable Member replied that as a general statement this was correct ; that is, the Government admitted that the provinces that have not got any radio station up till now are not being properly served by the stations that are in the neighbouring provinces, and the promise was that the new sets of stations that were being contemplated would serve the purpose. That was in 1937. And to a supplementary question of my friend, Mr. Azhar Ali, when he put the question, "will the people of the provinces who are unemployed find employment in this department in the respective provinces ?", the Honourable Member from the Government replied that this did not arise from the question. To me, this question though it may not be arising technically out of my question was the most important thing arising out of the question. As we have found just now from all the

[Babu Kailash Behari Lal.]

sections of the House, it is not only the educative value of the broadcasting that we so much stress upon. The question of loaves and fishes and sharing the benefit out of it economically also arises, and we find that not only the people of this country in the different provinces are at loggerheads over the economic advantages but people from abroad who have got no interest in this country are also a sharer in this economic benefit ; and, under the circumstances, we cannot shut our eyes to this aspect of the question ; when the question of sharing the economic benefits arises how can we say that the employment of the people of the respective provinces does not arise ? What I want to impress upon the House is that although I had very little to say on this Resolution because I come from a province where there is no radio station and where people are very little acquainted with technology of Radio or with the corruptions prevailing in the Department, the general feeling is that in spite of so much talk about the popularization of radio, very little has been done to popularize it in our Provinces. (Interruption.) As a matter of fact I am not speaking only of my province, but as my friends reminded me a little before, I am speaking on behalf of all provinces which have not got any radio station. My own province has not got as yet any radio station. Keeping in view this point, I think perhaps this Department of the Government has failed to keep its sense of justice and sense of proportion so far as the establishment of radio stations in all the provinces is concerned. It might be even today that those who are occupied very much with their own sense of pleasure might be thinking of cheap radio sets to be provided for them. For instance, the *Statesman* has advocated this today and many of my friends here think only of their cheap radio sets because they have already got radio stations and other advantages in their province, but to us in the provinces where there is no radio station we think of that aspect also which may bring other kinds of economic advantage to the people.....

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Do you want to be saddled with one ?

**Babu Kailash Behari Lal** : I know my friend, Babu Baijnath Bajoria, has got very orthodox views and perhaps he might be thinking about the radio as a "burden" and so he speaks of saddling. Perhaps he may startle us with some novel and orthodox idea about broadcasting. But I think we should welcome broadcasting and if we urge for an inquiry it is not with a destructive motive but with a constructive motive. Our motive is that it may improve. Unless we inquire into so many things that have been said up till now, how can we say where the corruption lies ? If an inquiry is started for the justice of the whole thing, our province may also be benefited by that inquiry because, having once accepted the principle of administering the department justly, the inquiry committee may bring within its scope the extension of Radio stations to Provinces where they do not exist because this Resolution seeks to inquire into the working of the Broadcasting Department as it has worked up till now and also to inquire for the future progress. If this Resolution is accepted, I think the scope of the inquiry will also include whether it is to be popularised in the provinces



where there does not exist a radio station. I have stressed upon this aspect of the question and, if the Resolution is accepted, I hope it will be taken into consideration.

There is one other question to which I would like to refer. It has been said by some Members on Government Benches that what else my friend, Mr. Maitra, wanted when he said that the Broadcasting Department only broadcasts love songs. Some Honourable Members also said that not only does he want love songs but singers of those songs as well. Although I do not attach importance to this joke, but I am afraid this is the only thing that has been placed before us and our mind has not gone beyond the songs and the singers according to the programmes of the Broadcasting Department. I would just like to tell my friend who said what else do we want except the love songs that this Department may have accepted the suggestion which the person responsible for the Bombay station had announced, namely, to relay the Congress session at Haripura, but which was subsequently cancelled. Of course, Government might say that they do not want their Broadcasting Department to dabble in the politics of this country. I can understand it if they are anxious to keep their radio stations free from politics, but, at the same time, I would ask them to have some principles in this matter. They have not yet got any principle in the matter. If you go into the matter carefully, you will find that this Department has allowed itself to be used by reactionary politicians and their speeches have been broadcasted. (A voice : "Can you mention any name ?") Sir Chimanlal Setalvad was allowed to broadcast his speech. However, I do not want to dispute the principle which the Government want to enunciate.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member's time is up.

**Babu Kailash Behari Lal** : If the Government does fix some principle in this behalf, it will find it easy to run this department at least for the benefit of the people.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Dr. Sir Zia-uddin Ahmad.

**Mr. S. Satyamurti** : Sir, I rise on a point of order. It has been ruled here more than once, and after I came here, it has also been ruled by the Honourable the President of this Assembly that at a fairly early stage in the debate on a non-official Resolution somebody on behalf of the Government ought to intervene and state the Government position. This debate started on the last non-official day and it had been going on now for some time. About six speakers have already taken part in it, and it is now a quarter past three. I request you, therefore, to ask the Government to put up one speaker at least from their side. I want also to remind you and the Government that they have the right of reply also, otherwise we shall be simply beating the air all the time. I, therefore, request you to call upon the Government to let the House know their attitude in the matter as to what they propose to do with regard to this Resolution. It is a well-known parliamentary principle that in order to make the debate useful, it must be participated in by the Government at a fairly early stage.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Although I cannot rule, still I do think that it has been always held to be desirable that somebody on behalf of Government should indicate their views at an early stage of the debate. I think it is quite a reasonable request and I hope the Government will not disregard it.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : If they have no case, what are they to do ?

(The Honourable Mr. A. G. Clow got up to speak.)

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : On a point of order, Sir. You have already called upon Dr. Sir Ziauddin Ahmad to speak.

**Dr. Sir Ziauddin Ahmad** : Sir, had my friend, Sardar Mangal Singh, finished his speech after delivering his first sentence, I dare say he would have received considerable support from the House, but he would not have achieved his object by his first sentence. He has introduced in his speech a novel phraseology which he called the Bokhari Brothers Corporation. If I follow his chain of argument then I am entitled to call the Central Public Works Department as Mangal Singh and Sant Singh Preserve. (*A voice* : " Question ? ") My friend says ' Question '. Then, I also question the phraseology of Sardar Mangal Singh. Now, my friend, Mr. Joshi, has suggested, and I entirely agree with him, that we ought to send out some persons to England for training, but this will not be sufficient. A person who is to be trained in England and has not sufficient experience will be good enough to run a department but he will not be competent to start a new department. In any case, we do require some experts, and the time will come when the Indians will be able to look after themselves.

Now, this question of the radio has been taken up by several Universities in India. I know of several Universities where persons are being trained and I am confident that after five years Indians will be available in sufficient numbers who will be able to manage the Radio Department as a whole. I agree that we ought to take every step to train our Indians but I also maintain that this does not dispense with the requirement of experts to start an entirely new show. My friend, Mr. Maitra, mentioned a good deal as to what the function of the Radio Department should not be, but I am sorry he had no time left to explain what the functions of the Radio Department should be. I hope he will be able to find some time during the Session of the Assembly to explain to us what his views about the functions of the Radio Department are. Sir, I doubt very much whether the Committee of the type suggested in my Honourable friend's Resolution will serve the purpose which he has in view. If we have a non-official majority on it and persons like himself and myself are put on it, what can we say about the suitability of medium waves and long waves or about the position of the soil and all kinds of technical terms which my friend, Mr. Maitra, introduced in his speech.

**Pandit Lakshmi Kanta Maitra** : I understand those things.

**Dr. Sir Ziauddin Ahmad** : I can assure you that I understand them still better, but I cannot call myself an expert.

Sir, there are a few suggestions which I would like to make in connection with this debate. In the first place, Government ought to take very great care that the radio in India is not used for propaganda in party politics whether it is a propaganda for the Government or whether it is on behalf of any other party. Therefore, this ought to be left as an amusement and as an instruction to the people and in no case should it be utilised to advance party politics of any party in this country. I am glad the Government is taking care about this point.

Another suggestion is this. As my Honourable friend, Mr. Joshi, said, it should be a commercial concern. It is a commercial concern and a profitable one. From 1933 up to the present time the Government have earned 74 lakhs and they have spent 39 lakhs over this department. That is to say there has been a saving of 35 lakhs which has gone into the pockets of the Government. I should suggest that the savings of this department ought to be utilised for the improvement of this department. I have got figures of income and expenditure for all these years. Without going into details, I must say that the savings should be utilised for the development of this department.

I wish to say a word about the price at which these radio sets are sold in the market. I have gone through the figures carefully. These radio sets are landed in Bombay *ex-duty* at Rs. 58 per set and its retail price is Rs. 300 and more. This is really enormous profit. I am told that some of these people are having a profit of nearly 275 per cent. That is if a set costs Rs. 100, it is sold for Rs. 375. I think it is really the business of the Government to popularise the radio in this country and towards this end the Government should try to put an end to this profiteering on the part of the radio dealers. In their broadcast talks the Government should announce that a particular radio set costs at the factory so much, that the customs duty is so much. In this case the buyer of the radio sets will know how much he is paying for the set, and whether the price demanded is a reasonable one.

The next point I should like to touch upon is the appointments. I understand that Government have already introduced the system that all higher appointments should be made through the Public Services Commission. I welcome this particular change. At the same time I should like to suggest that in order to avoid all the criticisms which have been levelled today, all other appointments should be made through a selection committee. The recommendations of the selection committee should not be set aside by one or other individual officer of the department. The decision of the selection committee should be final and the only authority which could over-ride the recommendations of that committee should be the Government. The Government should interfere if they are convinced that the selection was not a fair one, that the selection committee has been influenced or prejudiced? I would suggest that the members of the committee should not be permanent because the moment it is known that the members are permanent, then a large number of recommendations would be pouring in. The members of the committee should be select-

[Dr. Sir Ziauddin Ahmad.]

ed *ad hoc* as they are selected in many other departments and they should not serve year after year. The committee should include permanent officials of the department, also non-officials. I know that the selection committee in the case of the army selection is an *ad hoc* committee and it is not a permanent body.

The next suggestion I should like to make is that there should be some officer of the department who should be capable of making better selection of persons chosen for giving talks. Very often they select persons to talk who merely come for Rs. 25. We should really have talks from persons who do not care for Rs. 25. At Delhi station particularly there is great advantage. The Government have very often expert committees whose members assemble in Delhi almost every month, or every fortnight. The Broadcasting Department should be on the look out for such experts and request them to talk on subjects in which they are proficient. They will have to fix the time according to the convenience of these experts and not according to the convenience of the radio apparatus. I myself have a sad experience, I was asked only once to deliver a lecture. But they gave me a particular time and a particular subject. On that particular day I happened to be in Calcutta and I sent a substitute to talk for me and it was given out that I had delivered the speech !

Now a word about customs duty. I say the present rate of 50 per cent. ought to be reduced because the consumers won't care to purchase radio sets at a heavy cost. If you fix the customs duty at 50 per cent., the profits of the seller are also proportionately increased. I suggest that the customs duty should be reduced from 50 per cent. to 10 or 15 per cent.

I would also like to put in a plea for the appointment of an advisory committee in the same way as the Government have advisory committees in the post office and in other departments of the Government of India. This advisory committee will probably be able to help the Government a good deal and they will get useful suggestions from the committee.

The last point that I wish to touch upon is this. In schools and colleges we find that a large number of students do not pronounce English words correctly. I am sure the radio can be utilised to teach correct pronunciation of the English language. It can be also utilised to improve the general knowledge of our boys and girls. Therefore, I suggest that the programme committee of this department ought to work out a detail so that the radio may be utilised for educational purposes. I hope the Government will take into consideration all these suggestions. But I am absolutely certain that these things cannot be achieved by the kind of committee contemplated in this Resolution. I, therefore, oppose the Resolution.

**The Honourable Mr. A. G. Clow :** Sir, before asking you for permission to address the House, there is one point I should like to make with regard to what fell from my Honourable friend, Mr. Asaf Ali. I am perfectly willing to fall in with the wishes of the House at any time but the difficulty is that this is a debate in which attacks, and in some cases savage

attacks, if I may say so, were made on a particular department. And I am not sure that these attacks are finished. One Honourable Member who is hostile to the department has not yet spoken. I, therefore, hoped that it would be possible for me to make only one speech and that a speech in reply ; but if I have a right of reply I am perfectly willing to speak now. The only point is that some of my legal friends hold that I have no right of reply unless Sardar Mangal Singh exercises that right. I suggest that you might ask him, Sir, if he intends to exercise that right.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Even without asking him, if the Honourable the Mover of the Resolution chooses to reply and the Honourable Mr. Clow wants to make another speech after the reply and wants my permission for the second speech, he will have it.

**The Honourable Mr. A. G. Clow** : Thank you, Sir. I have listened to this debate with interest and I am very gratified to notice that it has not gone on on the lines on which it started in Delhi, because it was started, if I may say so, by a rather unfortunate speech. Other speakers of all parties have, I think, tried to raise the tone of the debate and I shall try to follow them by dealing, as far as possible, with the major issues that arise. Now, Sir, I have listened to some constructive suggestions and I think it will be convenient if I deal first with the only constructive suggestion made in the Resolution itself ; and that is the suggestion that this committee might in some manner be able to encourage " the manufacture of radio goods in India with a view to making the country self-sufficient ". Now I do not subscribe to the fallacy which I think underlay Pandit Lakshmi Kant Maitra's speech that every rupee you send out of the country is a rupee lost to India. But I do not want to argue that economic issue at the moment. What I would say is that if I thought that a committee would be able to establish an industry, making cheap radio sets in India, I should be in favour of it. But what are the facts ? We have a heavy duty on all broadcasting apparatus, a duty which has been criticised as an obstacle to the development of broadcasting and which Sir Ziauddin Ahmad has suggested should be greatly reduced. It is a duty which, although not protective in intention, is in height comparable to those duties which we have come to associate with protective tariffs. And there is another fact which Dr. Sir Ziauddin mentioned just now,—the extraordinary disparity between the landed price and the price at which articles are listed. But there has been no move whatever to make radio sets in India. That is not due to the apathy or lack of enterprise on the part of Indian manufacturers. I happen to know that in the city from which Mr. Manu Subedar comes the matter has been examined. But the fact is that you have not got a market ; and particularly and most unfortunately, you have not got a market for the cheap set. It is possible to put on the market a set costing Rs. 50 or Rs. 60 which is perfectly capable of good local service, a set like the sets which were used in Europe until very recently, because it is only within the last few years that people have been demanding short wave sets there. But, unfortunately, India has got into the habit of demanding short wave sets and listeners are not content with the local station. And in order to get a set capable of picking up distant short wave stations you have got to spend Rs. 150 or Rs. 200 or more. So that this demand for the cheap set is far too limited to make it worth while for a manufacturer to undertake manufacture here. I am sure my business friends in the House will agree with me there. And the one thing that a duty cannot do is to

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create a market. You cannot by any amount of raising the duty create a market. The only way of doing it would be by giving heavy subsidies which would mean doling out money that we want very badly for far more useful activities in the department and at the same time sacrificing the extensive duties which, although not earmarked for the department, form to some extent a justification for carrying it on.

Now, I turn to a rather unpleasant subject and that is the subject of appointments, because a good deal of interest has been shown in that. In fact, it was suggested by Mr. Manu Subedar that one of the functions of this committee would be to examine the appointments we have made. It will see whether each appointment is justified or not, and presumably if it comes to the conclusion that it is not justified, the gentleman will be dismissed. I think Mr. Manu Subedar tried to defend the opening speech on the ground that Sardar Mangal Singh was merely repeating what was said outside. Unfortunately, that was not the case. Let me read a short extract from his speech.

**Mr. S. Satyamurti :** Why revive it ?

**The Honourable Mr. A. G. Clow :** I am reviving it because this sort of thing is not only being said by the Sardar Saheb but is being said universally. It is what my Honourable friend, Mr. Joshi, referred to as "all sorts of strange rumours". What the Sardar Saheb said is this :

"It is, therefore, no wonder that there is favouritism, there is nepotism and if I may say so,—I am sorry for it,—there is corruption and jobbery in this department. Appointments are made to favour certain individuals. The candidates are selected without having any regard to their qualifications, without having any regard to their experience. I do not want to make any reference to particular individuals. But it is generally well known that instead of the B. B. C. in England, we have here the Bokhari Brothers Corporation (B. B. C.)."

There are all sorts of strange rumours going round. These are rumours spread among others by a professor friend of Mr. Saksena's who said that it is well-known that there are as many as five members of the Bokhari family in the department. In fact rumours go much further than this. By the courtesy of a distinguished gentleman who once adorned the front Bench opposite, we got a list some one had sent to him of alleged relatives, who have been supposed to be in the department, alleged relatives of the Bokharis and of another Muslim family, and it was forwarded and headed, "A statement showing" how these two families "have monopolised the posts at the several radio stations." It contained, I think, over two dozen names of which the majority were alleged to be Bokharis. Now, I have got the Controller to investigate this case with particular care, to examine all the possible relationships and to examine in what way any of the gentlemen impugned might have influenced appointments. And I am satisfied as a result of this investigation that in addition to the two well-known members of the family, who occupy important posts in the department, there is only one other relative,—and he is related to only one of them,—a gentleman recently approved by the Public Service Commission for a post. And while in some cases these gentlemen had recommended people or had reported on them, they were doing no more than a duty which any officer in such a position is expected to do. I do hope we have heard the last of this kind of attack which, I am sorry to say, to my mind is tinged by communal bias.

There is another point I want to deal with and that is that there is an impression that this department proceeds by what I may call " hiring and firing ", introducing large numbers of men and getting rid of large numbers of men. Sardar Mangal Singh told us, I think, that in the two or three months before he spoke two men had been dismissed on the average per day. Two men have been dismissed ; that is the total for two years. The total number of men discharged or dismissed in the last three years is, I am told, about 17 ; and the majority of these were probationers brought in for trial and not confirmed because they were not satisfactory.

**Mr. Mohan Lal Saksena :** What about Miss Sullivan ?

**The Honourable Mr. A. G. Clow :** I am not going into personalities any more ; I regret that I have had to do it already.

I must say that if any criticism can be levelled against the Controller on that ground, I should be more disposed to level it on the ground that he has not gone far enough, and this canker of absolute security which tends to spread like dry rot in Government departments is in danger of reaching this Department.

I now come to the more pleasant subject of programmes. We are told there is a great deal in the programmes that does not please listeners. Of course there is. There is a great deal in the programmes that does not please me ; there is a great deal in the programmes of the B. B. C. that does not please me. And if you think it over, in a free country where men are free to exercise their tastes, tastes must differ. Modern dictators want to make everybody's taste the same ; but not even the All-India Congress Committee is aiming at that yet.

**Mr. S. Satyamurti :** The Government of India want us to have only one taste, and that is to love the Government !

**The Honourable Mr. A. G. Clow :** I think we allow extraordinary liberty of taste. If, for example, any gentleman in this House goes into a bookshop he does not expect that all the books will appeal to him. Most of us are men of fairly versatile tastes, but I do not suppose that if I go into a bookshop more than one-tenth of the books there have any interest for me. In a programme there is bound to be an immense amount that is bound not to appeal to any particular listener ! the man who likes classical music is not as a rule fond of hearing light or frivolous music. The man who wants serious talks does not care for cabaret. And it is unreasonable to expect that any programme will please any listener all the time.

In addition to these difficulties which confront all broadcasting organisations is the tremendous difficulty in this country of language. You have got to broadcast in more than one language. For example, we had issued a questionnaire, the results of which are not quite complete yet, recently in Bombay and questions were asked as to which languages the listeners wanted talks in. The figures so far tabulated are as follows :

English 2,500 :

Hindustani 2,600 :

Marathi 1,600 :

Guzerati 1,700.

[Mr. A. G. Clow.]

Quite obviously a large number of people want talks in each of these languages, but very few are so accomplished as to enjoy talks in all the languages. In fact most people could not possibly enjoy talks in more than one or at the most two languages. There must, therefore, be a large number of items in the programme which do not appeal to every listener. If you look at an issue of *the Indian Listener* and in imagination set yourself the problem of preparing a programme for one station for one week—I would like some Members of the House to try it—it is an extraordinarily difficult task, and remember that is going on week after week with a large number of stations. In fact, *the Indian Listener* has a variety which is offered in very few countries in the world. With an ordinary short wave set you can pick up perhaps five or six out of the nine different programmes offered every evening ; and there are the foreign stations as well. The All-India Radio does not of course claim any credit for the foreign stations, but I would mention the fact that it is already making the culture and powers of India known abroad. The Controller of Broadcasting gets about 70 letters a week from people as far scattered as Africa, Australia, America, etc. I will read from one of them : this is from Nairobi :

“ We, your Indian nationals here, are extremely proud amongst other Indian Radios of progressive Bombay Station. The news programme is very useful and as it happens to be transmitted at 9 P.M. Indian time, we can receive it here quite clearly. The same applies to music programmes which are always entertaining.”

Now, I think on the whole that it is a very remarkable variety that is offered and the listener who cannot find something to please him in that is very very hard to please indeed. As a matter of fact, such enquiries as we have made show that far from being displeased, listeners are on the whole satisfied with the programmes they get.

My Honourable friend, Mr. Joshi, went on to talk about the cost to general revenues, about which I will have to say a word later and asked what we were doing to spread broadcasting among the poorer classes. Village broadcasting is proving extraordinarily difficult and I think the House will have no difficulty in realising why that is so. There are a number of sets provided by Provincial Governments in Bengal, the Frontier Province, the Punjab, Bombay and the United Provinces—small numbers, about 15 or 20 in each : and the provinces seem to prefer to have these at a considerable distance from the stations, where it is extraordinarily difficult for members of the broadcasting department to visit sets if they go wrong, and where the expense of re-charging batteries—for these sets are run on batteries—is very considerable. In addition to that the preparation of a village broadcast is rather a costly matter. There was an attempt made in Delhi, a very successful one, in which two wise-acres known as Ghulam Muhammad and Ram Lal attempted conversations—I am not alluding to my Honourable friend behind me. It was extraordinarily popular ; and some of the letters received are both humorous and pathetic. One gentleman wrote :

“ I listen to your Rural programme daily. It seems as though your Ghulam Muhammad is an experienced agriculturist and knows all about the diseases of men and animals. I shall be thankful if you will suggest to me some remedy for my sick cat.”



Another, in a pathetic letter, said :

“ My child has been ill for the past two years. I have tried the ablest physicians in Lahore. Could your Ghulam Muhammad suggest any remedy ? ”

And then, when there was an interruption in the series, someone wrote :

“ Your Ram Lal seems to have been absent for a few days lately. Please do not let any one of them—Ghulam Muhammad and Ram Lal—leave the Station even for a day.”

That was a successful series.....

**An Honourable Member :** Who has written this letter ?

**The Honourable Mr. A. G. Clow :** These are letters written by villagers. I have quite a number of them.

**An Honourable Member :** Are they in English ?

**The Honourable Mr. A. G. Clow :** They are translated, I think. The preparation of this series took two men almost one day on each occasion and it constituted only one-sixth of the village programme. However, we are going to try another experiment on a larger scale in Delhi in which we are going to try 120 sets grouped in units of about ten with a generating station serving each, having a man who can attend to the sets : In this limited area and with this more intensive experiment I think we ought to learn a good deal.

Now, we are being told constantly that this is not as good as the B. B. C. Very remarkable indeed. The B. B. C. has got to cover an area about one-seventeenth of the size of India. It spends on its programmes about 15 times what we spend, and it has spent on its equipment 12 times what we have done. The funds which we have had to spend, although they look large, are in fact for an organisation like this extraordinarily small.....

**An Honourable Member :** Why do you not spend all the sums you get ?

**The Honourable Mr. A. G. Clow :** We do. What has happened ? Three years ago when the present Controller came, I think there were two medium wave stations in Bombay and Calcutta. We have added a chain of four short-wave stations covering the whole of India : that does not mean of course, as Pandit Lakshmi Kanta Maitra seemed to expect, that every station is going to be heard in the whole of India. The range in normal circumstances is about 500 miles for each and that provides a second grade service, because, of course, short-wave service, although it has a much longer range, is not service of the same quality as the medium-wave. In addition there are now eight medium wave stations serving big centres of population and there are two more in preparation.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

**Pandit Lakshmi Kanta Maitra :** Does the Honourable Member say that with the 10-K. W. transmitters that will be placed now, they will have a range of only 500 miles ?

**The Honourable Mr. A. G. Clow :** I said that ordinarily they are expected to serve an area of 500 miles range : some of them can be heard even at longer distances, they are heard as I said in Australia, Africa, etc., but that is the range which they are intended to serve continuously, in which you can expect a good and effective service. Now, here is this impressive chain of stations set up, and set up with extremely limited funds. Here is an immense variety of programmes.....

**Mr. M. Asaf Ali :** Limited funds for India ?

**The Honourable Mr. A. G. Clow :** Yes. Let me just turn to the point which Mr. Joshi made and that is where does this money come from ? What is actually being done ? I know my Honourable Colleague, the Finance Member, will object if I say that the customs revenue on these sets is part of the income of the Broadcasting Department : it is not. But it was put on with a view to making the broadcasting service possible and it has made it possible, and the money in the end comes out of the pockets of the listeners—these men of means against whom Mr. Joshi was speaking. The money received from the customs together with the money received directly from the listeners and from the publications—if you add these together they exceed by about two or three lakhs the total sum that has been spent on getting this organisation and the total capital expenditure : in other words, you have got this whole system put up practically free of charge, if you allow that the money comes from the listeners.

**Mr. N. M. Joshi :** If you spend all the money on them, there is no tax on them.

**The Honourable Mr. A. G. Clow :** We are taxing them : they are paying for it. I suggest to the House that it is a remarkable achievement, and one for which the House has reason to be grateful to the department, and the Controller and his officers can feel proud. And yet it is suggested that we should now have an exploratory Committee, in other words, we are just coming near the end of this programme, and we are told, ' let us have a look at all your appointments, let us dig up all your foundations, it is true you have built three storeys, and are about to add the roof but we have a right to dig up the foundations and have a look at them '. Sir, Committees can be useful in their way, but I do not think a Committee of this kind, a peripatetic Committee as it will have to be, going round all the stations and burrowing into all the details, will serve any valuable purpose. There has been a suggestion that there should be Advisory Committees. We have got one in Delhi on which some distinguished men serve, and the Controller has been in touch with the Governments of Madras and Bombay recently with a view to establish such Advisory Committees.....

**Mr. M. Asaf Ali :** The Delhi Advisory Committee has not met for seven months.

**The Honourable Mr. A. G. Clow :** But these Committees can have only limited functions. They cannot be present at the auditions before people come to the microphone. Sir Ziauddin Ahmad threw out a suggestion for appointing general Advisory Committees. There are, I think,

three Committees already attached to the Communications Department, we have one Committee for Posts and Telegraphs, one for Roads, and another for other subjects.....

**Dr. Sir Ziauddin Ahmad :** One for Railways.

**The Honourable Mr. A. G. Clow :** I am certainly prepared to consider whether the Committees that we have already for other subjects could not take a larger part in Broadcasting ; I am not sure at present, but I will examine the question to see whether there is really room for a fourth separate Committee.

I should just like to say one word in conclusion, and it is this. I believe that you have in this Radio an instrument which is capable of doing an immense amount of good to the people of India. I think each one of us, including myself and everybody else, each of us has attempted to live in a little circle enjoying our own culture, reading our own language, hearing our own music, and here is this immense instrument which is raising the curtains of ignorance, curtains of suspicion and curtains of shyness, and we are beginning to get a fuller realisation both of the cultural variety that India offers and of its fundamental unity. That is a work in which I think the Controller and his staff deserve all the encouragement they can get. I have been in some stations lately, and I was very much struck, not merely by the enthusiasm of the men, mostly young men, whom the Controller has collected round him, but also by the way in which, whatever their community, they were co-operating and carrying out their duties. Rancour and communal bitterness, so far as I could see, were absent. I hope they will be absent in this debate, and I would appeal to all Members of this House to withdraw this Resolution and to show their confidence in this department.

**Mr. Mohan Lal Saksena :** Sir, I am sorry that the debate has been side-tracked. Once more, with your permission, Sir, I should like to assure the House that the Resolution does not aim at individual persons in the department. Its aim is much higher, and its scope much wider. True, there are complaints against the department regarding inefficiency and incompetence, complaints of jobbery and nepotism, but we could have left these matters to the Honourable Member in charge to deal with. We know that the Honourable Mr. Clow is sufficiently strong to deal with Fieldens, Goyders, Gopalans and Bokharis, and to wipe out inefficiency and corruption from the department under him. For killing flies we do not require machine-guns, much less to scare them.

The scope of the Resolution is much wider, as I said in the beginning, and it is really very unfortunate that certain sentences which appeared in Sardar Mangal Singh's speech should have given a handle to some persons to interpret the Resolution in a way in which some of them have done. The Resolution seeks the appointment of a Committee for three-fold purposes,—and the first is to examine the working of the department. Sir, it was said just now that after they had built three storeys we wanted to dig up the foundations to see whether they were sound. I may remind my friend, the Honourable Mr. Clow, what has been done in England. It was only in 1936, that a third Committee known as the Ulswater Committee was appointed to inquire into the working of broadcasting there. Broadcasting commenced working in Great Britain

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in November, 1922, and in 1923, a Committee was appointed to inquire into its working. Again a Committee was appointed in 1926, and a third Committee known as the Ulswater Committee was appointed in 1936.....

.....  
**The Honourable Mr. A. G. Olow :** What are the other two Committees ?

**Mr. Mohan Lal Saksena :** The first was in 1923, appointed by the late Lord Brentford under the presidency of the Post Master General, the second Committee was appointed under the Chairmanship of the Earl of Crawford, and the last one was appointed under Earl Ulswater. So I had thought that there was practically consensus of opinion that, as compared with the broadcasting departments of other countries there was a considerable lee-way to be made up by us. I should like to remind the Honourable Member in charge that no less an authority than the *Times* of London has said that if broadcasting is to be worked properly in India, the present organization has to be scrapped. Even, friendly papers, like the *Statesman*, the *Civil and Military Gazette* and the *Pioneer* have urged the appointment of a Committee to inquire into the working of this Department. For the last two years I have been in touch with eminent scientists who have had opportunities of studying the working of Broadcasting departments in other countries. I am not ashamed to be a friend of Prof. Megh Nad Saha. He has never attacked any individual member ; he has always urged the want of research in the Broadcasting Department. There has been practically little or no research in this department. In this connection I might refer Honourable Members of this House to a small extract from the speech of the late Lord Rutherford which he wrote immediately before his death for the Silver Jubilee session of the Indian Science Congress, and this speech was read at the Science Congress after his death. These are a few lines from his speech :

“ Finally, a word might be said concerning the need for research on radio-communication, so important a matter to a large country like India. I do not refer to technical research in transmitting and receiving apparatus, but rather to the type of fundamental investigations, pursued under the Radio Research Board in Great Britain. These investigations, begun in the early days after the War, have shown that the propagation of radio waves over large distances is very sensitive to the electrical state of the upper atmosphere. It is now established that a number of electrified layers exist in the higher atmosphere which under certain conditions are able to reflect electric waves. The details of this electrical distribution vary considerably with the hour of the day and with the season of the year, as well as with geographical location. Such information, which is of practical importance in the selection of the most suitable wavelengths for radio-communication, must obviously be secured by research conducted in the country itself. Moreover, it does not seem impossible that such a survey may prove of value in long range weather forecasting.”

May I know, Sir, what research has been done in the Broadcasting Department and who is in charge of research ? Mr. Gopalan has not even had scientific training in any university or school. He is only a B. Com. and he has been grandiloquently called a Radio Engineer. In other words, he was only a supplier of radio sets and a repairer and he has been provided here. He possesses only a correspondence diploma of the City Guilds of London and he is supposed to supervise research in India. I think there cannot be a greater slur on the Government of India

and insult to the scientific talent in India. This is a land where research had been carried on by Sir J. C. Bose long before broadcasting was started even in England. There was a Science College. Professors have been working on wireless telegraphy. There is Dr. Wali Muhammad of Lucknow University who has been working for over 20 years and here you import a man and say that there is no expert available in India. And he has no knowledge either of engineering or the scientific side of broadcasting. These are the qualifications of the Controller of Broadcasting of whom you are proud and for whom you wanted applause in this House.

There is one thing more. The object of the committee is to find out who is going to run the show. You have to decide what is going to be the scope of this department, what are going to be its functions and on what lines this department is to be worked. I want to point out that broadcasting is no more an apparatus for providing amusement to idle persons who go to their house after the day's work. Broadcasting is playing a very important part all over the world. It has become a tremendous force. It has acquired power even greater than the Press which is generally considered as the Third Estate. The whole nation is interested in the broadcasting department. I want a commission consisting of publicists and experts and persons who can take a long view of things to go into the working of this department and lay down the lines on which this department is to be worked. I will only read to the House an extract from the Committee on Colonial Broadcasting. Perhaps the Honourable Mr. Clow is not aware of it. This is what that committee says :

“ We envisage the development and justification of colonial broadcasting as an instrument of advanced administration, an instrument not only and perhaps not even primarily for the entertainment but rather for the enlightenment and education of the more backward sections of the population and for their instruction in public health, agriculture, etc. The potentialities of broadcasting as an instrument of administration are so great, in the Committee's opinion, that at least some expenditure is demanded of colonial Governments by way of experiment and investigation.”

Is the Honourable Mr. Clow aware that there was a broadcasting commission appointed in the United States of America ? Is he aware that in Australia there is an organisation like the B. B. C. and also in Canada ? Everywhere we have an organisation like that. We cannot entrust the destinies of this great department to the whims and caprices of any individual or individuals.

My friend, Sir Ziauddin, spoke of selection committees. Does he know what the Controller of Broadcasting said regarding selection committees in reply to one of his listeners ? I cannot lay my hand on the letter at this moment but the purport of what he said was that he did not believe in selection committees or boards. According to him they are the most ingenious devices brought into existence by democracy. At the worst it is a screen for making appointments of those persons who come with chits. At the best it is only a medium for the appointment of mediocres. Then so far as the staff was concerned, he said he wanted to have only those persons who are the representatives of the listeners. I may tell him and the House that it is not only the 50 thousand and odd people who are listeners who are interested in the fate of this department. The whole nation is interested in the working

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of this department. Every province has been spending lakhs over this department. In my own province we want to have in every district thousands of receiving sets and every one of the Provincial Governments are, therefore, interested in the proper working of this department.

Then, Sir, I will say one word about appointments. I may tell you that I am not one of those who is interested in the appointment of one person or another. So long as the person is efficient, I don't mind who is appointed. I may tell on the floor of the House that I don't mind if the department is manned by the members of one family. I care a tuppence for it so long as they are efficient. It does not worry me in the least. It is not simply gossip as the Honourable Mr. Clow tried to make out, I have got facts and figures from his own department. It does not require an inquiry committee to establish that persons who were appointed on Rs. 100 are now drawing Rs. 500 and more. They are Hindus and Muhammadans both. There is one Mr. A. K. Sen and there is one Mr. Rasheed Ahmad. They were both appointed as programme assistants on Rs. 100 and now they are getting Rs. 500 *plus* car allowances.

**The Honourable Mr. A. G. Clow :** Why not ?

**Mr. Mohan Lal Saksena :** I may tell you that all the directors of these stations, with the exception of Mr. Stapleton, have had no previous experience of broadcasting. There are brilliant graduates both Hindus and Muslims who have had research experience in broadcasting and physics who could have been appointed to these posts. I know the Controller of Broadcasting would not have accepted them, because he is afraid of scientists.

Then, Sir, may I ask Mr. Clow one question. If the whole department was working as satisfactorily as he has tried to make out, may I know why it was felt necessary to invite an expert from England, Mr. Kirke, to investigate into the working of this department ? If three storeys have been built today, two storeys had been built in 1936, and why was it necessary to call Mr. Kirke to investigate into the working of this department ? Why has his report not been published ? May I know ? Was it because he had made recommendations for the reorganisation of this department, and because he had made certain recommendations which were not acceptable to the Government ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

**Mr. Mohan Lal Saksena :** I know my time is up but I would like you, Sir, to give me only two minutes. There is one thing my friend, Mr. Clow, just now said that people have been dismissed for inefficiency. I have also got a list, Sir, and I can prove that it is not so in every case.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must conclude his speech.

**Mr. Mohan Lal Saksena :** Sir, I should like to say .... (*Cries of "Order, order"*) a few words for just one minute.

**Mr. President** (The Honourable Sir Abdur Rahim) : No.

**Mr. Mohan Lal Saksena** : Sir, one Miss Sullivan, a lady typist, worked for three years and eleven months and then she has been dismissed for inefficiency. Surely a department which takes three years and eleven months to detect inefficiency in a lady typist needs looking into and the man who is in charge needs pulling.

**Babu Baijnath Bajoria** : Sir, the Department of Broadcasting has been a pet and a spoilt child of the Government of India ever since its birth. This Department has ever since its birth been fed from the public revenues and though this child has grown seven or eight years, still it is to be fed by feeding bottles, and the bottles are getting bigger and bigger. Sir, it is said that it is a development department but I say it is a wasting department. If I remember aright, every year in the Budget lakhs and lakhs of rupees are provided for the upkeep of this Department from general revenues. Sir, I think my Honourable friend, Mr. Manu Subedar, gave the figure of Rs. 85 lakhs which have been spent on this Department during the last five years. I was agreeably surprised when my Honourable friend, Mr. Clow, said just now that this Department has become self-supporting and is making a gain of two or three lakhs of rupees. I have not been able to follow how this has been possible. Probably he is counting upon the revenue import duties which are secured from the import duty on radio goods, but they are revenue duties, they are not protective duties at all, and I do not think that that method of calculation is right. Revenue duties should not be calculated to the credit of this Department.

**Dr. Sir Ziauddin Ahmad** : Are they revenue duties ?

**Babu Baijnath Bajoria** : Will the Honourable Member inform me whether it is a revenue duty or a protective duty ? Whether the duty is 50 per cent. or it is 500 per cent., as long as it is called a revenue duty, it will be a revenue duty. I would say that this Broadcasting Department must be thoroughly reorganized and put on a strict commercial basis just as the Railway Department or the Postal Department is. Sir, this broadcasting is catering only for the luxurious few and at most for the poor among the affluent classes. Sir, I cannot visualise the time when broadcasting will be of real benefit to the masses. Even if the radio sets are sold at rock-bottom prices, even at Rs. 30 or Rs. 25 a set, I dare say without fear of contradiction that the masses, the villagers, and even the middle-class people will never buy a radio set. Sir, they have got other things, other necessities of life to care for. What they are more interested in is they want good water, good food, good health and good education. They do not care so much for these luxurious programmes, for these love songs, dialogues and dramas. Sir, I was very much surprised when one of the Honourable Members today, Colonel Rahman, said : " what more do you want ? Love songs are there ! " Well, broadcasting need not, I think, go into these love songs, dialogues and dramas,—as if the cinemas are not already sufficient to demoralise the people of this country. What do we find in the cinemas ? In Calcutta we have got more than 42 cinema houses and most of their plays are romantic plays and they act very prejudicially on the minds of uneducated or semi-educated juvenile members of the community and this broadcasting, as it is being run now, only adds fuel to the fire. Sir, I would say that if broadcasting is to justify itself.

[Babu Baijnath Bajoria.]

it must absolutely change its angle of vision and it must do something for the real good of the country. It must have lectures on health and on moral and intellectual topics which conduce to the health and the moral betterment of the people. As it is, at the present moment it rather demoralizes the people, and I would like it to be mended or ended. Sir, as I am not in favour of this Department as it is run at present, I do not think that a Committee on the lines as framed in this Resolution can do any good under the present circumstances. (Interruption.) Sir, even the *Statesman*, which paper is generally supporting the Government in all its actions, has some interesting observations to make. I will only read a few lines from its editorial which appeared today :

“The experimental period on programmes will continue for many years to come.”

So the experiment will go on, and we will be suffering :

“Trials will be made and errors continued so long as All-India Radio endeavours, as we believe it is endeavouring now, adequately to serve the public. But it is a poor service, probably as disappointing to the men behind the microphones as it is to the listeners.”

What then is the use of having such a service ? Then it goes on :

“The process of adaptation to the tastes of the people will be painfully slow.”

“An expensive broadcasting service has been introduced and expanded year after year without any really determined effort to ensure that the number of listeners justifies it.”

Sir, this service has not justified itself and I say that it must be thoroughly reorganized so that it may be of benefit to the community and the country. With these few words I oppose this motion.

**Mr. M. Asaf Ali :** Sir, neither on the last occasion when this Resolution was moved nor even today until about fifteen minutes ago had I the slightest intention of intervening in this debate but, unfortunately, an impression has been created by certain speeches which I am bound to state does not represent the view of our Party. If I were asked to state the view of our Party, it would be expressed in a few words which would not go beyond the phrasing of the Resolution itself. Our object is nothing more and nothing less than this and this is what the Resolution says. I shall just read out the relevant portion from it :

“To appoint a committee, to make recommendations regarding its working in the future so as to make it more efficient and popular and also to suggest measures for encouraging, etc.”

Now, it appears to be admitted that the All-India Radio depends entirely and absolutely on voluntary public support. Every penny which comes into the coffers in the name of the All-India Radio, whether as duty realised on radio sets imported or as the fees of licences, is contributed by people voluntarily. It is not a tax realised by the Government's order. Therefore, the All-India Radio stands to gain everything and to lose nothing if an inquiry is held into its workings and if ways and means are thought of to make it a little more popular in future. Now, if after seven years of working, the All-India Radio cannot boast of more than 55,000 licences, surely it cannot be considered a very popular department. It certainly ought to have been infinitely more popular than it is, but it is not so. We can certainly understand the difficulties in the way of every-



body concerned in so far as the cheaper radio sets are concerned, but we want to find out whether it is not possible for us to find ways and means of making cheaper sets available to the public. That is one point. Then, Sir, there is just one other point which I wanted to mention and it is this. I appeal to Mr. Clow to listen to me when I am saying what I have to say now. Mr. Clow and the Government of India are fully aware of section 129 of the Government of India Act. Today it is a Central Department but under section 129 it can any day be provincialised. Each province may have its own transmitting station and each province may broadcast any matter it likes. Well, if there is a public demand and if there is a public criticism of your department, why should you not accept it. If you want to set your department right with the public, have this inquiry committee and let the public know that there is nothing wrong with it, so that the provinces may not start with their own transmitting stations if you satisfy the public demand. I am speaking as a friend of broadcasting ; I am not speaking as an enemy of broadcasting. I have been a friend of broadcasting all along. In fact, I was a friend of broadcasting at a time when the whole of my Party was for turning it down. Surely, I have not changed my opinion today. I consider it as a powerful instrument of cultural development. But that cultural development can only take place in accordance with the wishes of the people and the capacity of the people. I am prepared to admit that every word that has been said in criticism of this department may not be right, but is it or is it not your duty to appoint a committee of inquiry to look into all these things and declare to the public that there is nothing wrong with the All-India Radio Department and for the future also to find out ways and means of making it more popular.

Now, Sir, that is another point, and, in the same connection. I should like to remind the Honourable Mr. Clow of another danger which is ahead of him and of the Broadcasting Department. And that is the future Federal Legislature. I do not know when it is to come and under what circumstances it is to come but it is bound to come some day and, when it does come, the Communications Department will be in charge of a popular Minister. Well, if you are going to resist this inquiry today, a popular Minister will have to hold an inquiry tomorrow, and if you are going to declare to the world today without a popular inquiry that there is nothing wrong with this Department, God help you when a popular Ministry is in office. It is a short-sighted policy on behalf of Government to expect us to withdraw this Resolution which is intended to help them. It is not intended to hold an inquisition. Whoever said that we wanted to go into the details of various appointments, etc. ?

**The Honourable Mr. A. G. Clow :** Mr. Manu Subedar said that.

**Mr. Manu Subedar :** On a point of personal explanation. I did not mean that. Mr. Clow has got me entirely wrong.

**Mr. M. Asaf Ali :** I was just saying, Sir, that there is no intention on our part that there should be an inquisition ; we do not want to hold an inquisition ; but we certainly want to put the All-India Radio Department right with the public. That is the whole point. Now, in so far as my Honourable friend, Sir Muhammad Yamin Khan, is concerned and some other gentlemen also who maintain that an inquiry committee is not called for, may I present the Government with a precedent from the

[Mr. M. Asaf Ali.]

B. B. C. Quite recently a public inquiry was held and it was held under a resolution of the British Parliament. If the B. B. C. can be subjected to a public inquiry, why cannot the All-India Radio be subjected to it? I now quote a high Government authority, who is also regarded a great expert, I mean the Controller of Broadcasting. In an interview on the 20th of October, 1937, he said as follows :

“ Broadcasting in its early stages needed both rapidly increasing funds and the ready co-operation and support of the public.”

I entirely agree with him. But what does he say next? He next says :

“ Without this, it might fall into a vicious circle as it has done in India.”

Now, if the Controller himself says that broadcasting in India has fallen into a vicious circle, is it not right that we should hold an inquiry into the workings of the Broadcasting Department and satisfy at least the Controller who does not seem to agree with the Government nor do the Government seem to agree with him because, later on, I understand, the Controller with official approval reproduced an article that appeared in the *Times* of London some time ago. I think that article appeared in the *Times* in its issue of the 28th of July, 1937, when, I believe, the Controller was in England. The *Times* in its leader of the 28th of July advocated the transfer of the control of broadcasting from Government to an independent organisation and this was quoted by the Controller himself with approval in the *Indian Listener* of the 2nd August, 1937. This is the view of the Controller who is supposed to be your expert. When he holds a different view, are we or are we not justified in asking for a committee of inquiry to look into the working of the broadcasting because there is a rift in the lute somewhere. Therefore, we are not asking for anything very extraordinary. We want the Government to put the whole department right with the public and to make it more popular. That is all that we are asking for and I do not see why there should be any possible objection to it. With these few words, I support the motion.

**Some Honourable Members :** The question may now be put.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the question be now put.”

The motion was adopted.

**Sardar Mangal Singh** (East Punjab : Sikh) : Sir, I have most carefully listened to the speeches of Honourable Members, particularly of those Honourable Members who spoke against this Resolution. The arguments advanced by them have already been answered by some of the Members from this side of the House and I, therefore, do not propose to take up much of the time of this House. I wish to refer to one or two points which concern me personally. Objection has been taken to some of the remarks which I made in my speech while moving this Resolution in the Delhi Session. I made it perfectly clear then that I did not mean any personal reflection on any of the officials of the department. I had no personal objective in moving this Resolution. Again I assure Honourable Members of this House that the issues involved in this Resolution are not communal and I hope my Honourable Muslim friends from the Punjab will bear me out when I say that during the last 20 years of my public

career, I have never raised any communal issues. I have never done anything against the interest of Muslims. When moving this Resolution, I merely repeated the allegations that were being freely made outside the House. There were serious allegations made outside the House and by repeating them inside the House I tried to establish a *prima facie* case for an enquiry to look into the working of this department. My object was absolutely non-communal. I will be glad to see my Muslim friends holding responsible positions in the public life of this country. I would personally be glad if in the place of Mr. Fielden there is a Muslim occupying that post. But is it suggested that if a Muslim or a Hindu or a Christian or a Sikh happens to be the head of the department we are precluded from criticising that department? I would beg of my Muslim friends to rise above these petty considerations and appreciate the wider issue involved in this Resolution. The issue consists merely in making the radio department work on sound lines. This is one of the most important of the nation-building departments of our country. Again, Sir, I am surprised to hear the amazing argument of my Honourable friend, Mr. Ramsay Scott, when he said that this Resolution was a censure on the Government. Sir, it is nothing of the kind. The Resolution merely seeks to appoint a committee of enquiry to look into the working of this department, to make recommendations regarding its working in the future so as to make it more efficient and popular and also to suggest measures for encouraging the manufacture of radio goods in India with a view to making the country self-sufficient. May I ask whether this is a censure on the Government of India? This Resolution aims at securing the co-operation of the public with the Government of India so as to make the department efficient and self-sufficient. How can the appointment of a committee be construed as a censure on the Government of India? Is it seriously suggested that the British Government was censured four times when the radio department was started in England because there were four enquiries into its working? I do hope that the Honourable Member from the European Group did not mean his argument seriously. It has been said by the Honourable Mr. Clow that behind this agitation there is a communal motive.

**The Honourable Mr. A. G. Clow :** I do not think I said anything of the kind. I suggested that in the talks which I have seen frequently outside the House about a certain family, I suspected there was a communal tinge. I never said the Resolution was put forward or started on communal grounds.

**Sardar Mantral Singh :** I am sorry I referred wrongly to the Honourable Mr. Clow. It was Colonel Rahman who suggested communal motives behind this Resolution. I hold in my hand several cuttings from a newspaper.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should reply to the arguments already advanced by other speakers. He cannot introduce new matter in his reply. I think the Honourable Member wants to quote from some newspaper.

**Sardar Mangal Singh :** Sir, I am merely replying to the points which have been raised in the course of the debate. On the 18th July a public meeting was held in Delhi which was presided over by a Muslim lawyer

[Sardar Mangal Singh.]

named Syed Raza Mirza. At that meeting a Resolution was passed urging upon the Government of India to look into the affairs of the radio department. Not satisfied with merely passing a Resolution the public meeting also appointed a Standing Committee called the Radio Reforms Committee. The President of that Committee is Masihul-mulk-Hakim Jamil Khan. The son of the late Hakim Ajmal Khan. The Secretary of that Radio Reforms Committee was Syed Raza Mirza and amongst the members of the committee are one or two Muslims. Then, again, there was a complaint from Lucknow in a daily paper called *The Vakil*. This paper severely criticises the staff of Lucknow and their music programme. By citing all these examples, what I wish to establish is that behind this agitation there is nothing communal. It is only to side-track the issue, it is only to take shelter behind it that this communal issue has been raised. If there is nothing wrong in the department as has been suggested, then why there so much nervousness is exhibited at the suggestion of appointment of an enquiry committee? If the department is all right, if the affairs of the department are good, if their accounts are clear the proper thing for the Government is to come forward and accept an open enquiry by a committee so that the position of the department might be vindicated. Instead of coming forward for an open impartial enquiry by a committee, the Government are taking shelter behind lame excuses. It may be that some of the Government officers may be satisfied with the working of the department. Whenever a subordinate makes a mistake, the common feature that we see in the Government departments is that the head of the department justifies the mistake. This is a common feature of the administration of the Government of India. The Honourable Mr. Clow may be satisfied, but the public outside will not be satisfied with this hole and corner enquiry. The public demands an open and impartial enquiry into the affairs of this department, so that the department might be made more efficient and the country may be self-sufficient in the matter of supply of radio goods. I expected the Honourable Mr. Clow to stand up and say, "we welcome this Resolution and we will appoint a committee and we will have the co-operation of this House also". The allegations which have been made can be refuted in an open enquiry committee. I, therefore, appeal to the Honourable Members of the Muslim Group to rise above these petty considerations. I assure them that we do not mean any injury to any Muslim interest. Surely, a few Muslims do not constitute Islam. If the head of a department is a Hindu and if there is corruption in his department, should Hindus object to an enquiry into the affairs of the department? Similarly if the head of the department is a Sikh or a Christian or a Muslim and if there is corruption in that department, should the people belonging to that particular community resist an enquiry, then I am afraid there will be a premium on inefficiency and corruption. I would gladly accept the proposal of my Honourable friend, Dr. Ziauddin Ahmad, should he bring forward a proposal to institute an enquiry into the affairs of the Public Works Department. I shall walk into his lobby and I hope he will walk into my lobby this time so that the honour of the officials of the radio department may be fully vindicated. With these words, I appeal to all Honourable Members to pass this Resolution so that the radio department might be made more efficient.

**The Honourable Mr. A. G. Clow :** Sir, I wish to say only a few words in reply. I am sorry that my Honourable friend, Mr. Saksena, dwelt so much on personalities, and the best comment I can make is perhaps to say what Mr. Asaf Ali said that ' things that have been said may be wrong '. I do not propose to enter into personalities any further ; I am sorry I had to touch on one in my earlier speech. Mr. Asaf Ali took a bigger view of the case and was looking somewhat far ahead. I am sorry if I gave the impression that either I or this department in any way resent reasonable public criticism. I know the Controller and his officers receive every day an immense number of letters criticising or appraising or approving the work they do, and they welcome them all. We want to know both the things you approve and the things you do not approve. But I do not believe that a committee of the type suggested is going to achieve that. Nor am I in the least afraid of what will happen when a Federal Minister sits in my place. Mr. Asaf Ali thought that if I resisted a committee now there was something terrible going to happen then. Not at all ; I am merely saying that at the moment that I am standing here I do not believe that the time has come for an inquiry of this kind. If in a few years' time a Federal Minister, in an entirely different situation, thinks that an inquiry is necessary, no doubt he will institute it and he will be perfectly right in instituting it.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : How are you so sure that Federation is coming soon ?

**The Honourable Sir Muhammad Zafrullah Khan :** Mr. Satyamurti has told us it is coming very soon.

**Mr. S. Satyamurti :** When did I say that ?

**The Honourable Sir Muhammad Zafrullah Khan :** You said yesterday that you will be occupying these seats much sooner than people expect !

**The Honourable Mr. A. G. Clow :** I am sorry that so much was said about the communal issue in Sardar Mangal Singh's closing speech ; and I should like to make it clear that I at least do not suppose for a moment that this Resolution or those who have supported it are doing so with any communal motive in view. I quite recognise that this is a matter which interests all the communities of India and a matter in which we welcome the co-operation of all ; and I think the Controller has done a large amount to secure the co-operation of men who on other subjects are very deeply divided indeed. But we come fundamentally to the point which Sardar Mangal Singh made clear in his final speech and that is that he wants a committee,—I quote his words,—“ to refute allegations ”. Now I maintain, while I would repeat Sir Thomas Stewart's words and mean no more than Sir Thomas Stewart said that neither this department nor any other department has attained perfection, that these allegations are based on a misconception of the facts, and an ignorance of what this department is doing. And I ask the House to say that there is no cause for an inquiry which is to be virtually an accusation on charges that are not proved.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly recommends to the Governor General in Council to appoint a committee, with a non-official majority and including experts, to enquire into the working of the Broadcasting Department, to make recommendations regarding its working in the future so as to make it more efficient and popular and also to suggest measures for encouraging the manufacture of radio goods in India with a view to making the country self-sufficient.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th August, 1938.

## LEGISLATIVE ASSEMBLY.

*Friday, 12th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### ABOLITION OF FIRST CLASS COMPARTMENTS ON RAILWAYS.

141. **\*Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Railway Member state :

(a) whether Government have consulted the various Railways over the matter of the abolition of first class ;

(b) if so, what is their opinion ; and

(c) whether Government have come to a conclusion in the matter ?

**The Honourable Mr. A. G. Clow** : (a) Railways have been asked for their views and certain replies are still awaited.

(b) The majority of Railways are opposed to the abolition of the first class, but certain principal Railways are examining the possibility of curtailing upper class accommodation where local conditions justify such action being taken.

(c) No.

**Mr. T. S. Avinashilingam Chettiar** : May I know whether they give any reasons for retaining the first class ?

**The Honourable Mr. A. G. Clow** : Yes, both convenience and economy : commercial considerations in fact.

**Mr. Lalchand Navalrai** : May I know from the Honourable Member, whom I am glad to see in that seat and whom I congratulate on his elevation, whether he is aware that first class carriages on several railways go completely vacant ?

**The Honourable Mr. A. G. Clow** : Carriages are certainly vacant at times.

**Mr. Lalchand Navalrai** : May I know whether the companies or state railway officers do not convert the first class into second class when the first class is vacant and the second class is overcrowded ?

**The Honourable Mr. A. G. Clow** : No : certainly they do not.

**Dr. Sir Ziauddin Ahmad :** Is it not financially advantageous to the railways to tell the first class passengers " We will pay you the first class fare : will you please travel in the third class ? " Will it not be more economical to the railways ?

**The Honourable Mr. A. G. Clow :** I am afraid I have not followed the learned Doctor's question.

**Dr. Sir Ziauddin Ahmad :** I say, instead of taking fares from these first class passengers, if the railways give them the equivalent of the first class fare and request them to travel third class, will it not be more economical ?

**The Honourable Mr. A. G. Clow :** Does the learned Doctor guarantee that they will travel third ?

**Seth Govind Das :** The Honourable Member said that generally the first class compartments are vacant.....

**The Honourable Mr. A. G. Clow :** No : I said they do go vacant at times.

**Mr. Abdul Qaiyum :** Is it a fact that the first class is maintained for racial considerations ?

**The Honourable Mr. A. G. Clow :** No : not in the least.

**Mr. K. Santhanam :** With reference to the answer to part (c), may I know whether Government, in spite of the fact that they have not come to a conclusion, are still building first class carriages ?

**The Honourable Mr. A. G. Clow :** Some are being built.

**Mr. Manu Subedar :** Apart from the question of new construction, may I enquire whether the Railway Board have gone into the question of the outlay on first class carriages relative to the return on the first class ?

**The Honourable Mr. A. G. Clow :** Yes, that has been examined.

**Mr. Manu Subedar :** What is the result of that enquiry ?

**The Honourable Mr. A. G. Clow :** I am afraid I have not got the results in front of me.

**Mr. Manu Subedar :** May I ask whether the Honourable Member will make that result available to us ?

**The Honourable Mr. A. G. Clow :** If the Honourable Member tables a question I will do my best to give him an answer.

**Mr. T. S. Avinashilingam Chettiar :** Is there any definite proposal to abolish the first class in any of the railways ?

**The Honourable Mr. A. G. Clow :** It has been done to a certain extent—I think entirely on the Assam Bengal Railway.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether in these railways at least first class carriages are not being built now ?

**The Honourable Mr. A. G. Clow :** Not so far as I am aware.



**Mr. T. S. Avinashilingam Chettiar :** May I know whether the Honourable Member will place before this House, after receiving the replies from all railways, the results of the Government's consideration in the matter ?

**The Honourable Mr. A. G. Clow :** It is open to the Honourable Member to table a question at any time : I should think there will be no difficulty about that.

#### PROVISION OF FANS IN THIRD CLASS COMPARTMENTS ON RAILWAYS.

142. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- (a) whether the Nizam State Railway has provided fans in third class in the Diesel third class coaches from V. T. to Secunderabad, etc. ;
- (b) whether Government have considered the advisability of introducing fans in third class on State-owned railways ; and
- (c) what is the extra cost involved, if this is done ?

**The Honourable Mr. A. G. Clow :** (a) Government understand that new third class coaches on H. E. H. the Nizam's State Railway are being fitted with electric fans. If by ' V. T. ' the Honourable Member means Victoria Terminus, Bombay, Government are not aware that Diesel third class coaches are running between there and Secunderabad.

(b) and (c). The attention of the Honourable Member is invited to the reply given in this House on the 24th September, 1935, to starred question No. 648, asked by Mr. N. M. Joshi.

**Mr. T. S. Avinashilingam Chettiar :** What is the answer to clause (c) ?

**The Honourable Mr. A. G. Clow :** I think that was given in the answer which Sir Raghavendra Rao gave to Mr. Joshi on the date I have mentioned.

**Mr. T. S. Avinashilingam Chettiar :** The Honourable Member says " I think " : he might as well read out the answer.

**The Honourable Mr. A. G. Clow :** The answer was given in 1935. If the Honourable President has no objection, I will read it. Sir Raghavendra Rau said :

" The capital required to provide fans in third class compartments of Class I Railways is roughly estimated to be from 1½ to 2 crores of rupees and the recurring expenditure at about Rs. 30 lakhs per annum.

Government regret they are unable to provide any money for this purpose in the immediate future."

**Mr. N. M. Joshi :** May I ask whether this cannot be done by instalments ?

**The Honourable Mr. A. G. Clow :** It depends on the money available and whether it is a matter that we ought to undertake.

**Mr. N. M. Joshi :** May I ask whether Government have gone into the matter and seen whether the introduction of fans in the N. G. S. R. has been working economically ?

**The Honourable Mr. A. G. Clow :** I have not got figures for the expenditure there.

**Mr. N. M. Joshi :** May I know, if H. E. H. the Nizam's Railway can introduce it in their system, why they cannot introduce it here ?

**The Honourable Mr. A. G. Clow :** I suppose they are better off : we have not got  $1\frac{1}{2}$  to 2 crores to spend on this.

**Mr. N. M. Joshi :** Will you kindly go into the matter ?

**The Honourable Mr. A. G. Clow :** No.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that the Central Advisory Council decided about two years ago that there should be fans in the third and intermediate classes and they will make a beginning with the intermediate : may I know if anything has been done in that direction during the last two or three years ?

**The Honourable Mr. A. G. Clow :** I am not aware of that conclusion.

**Mr. Lalchand Navalrai :** Will the Honourable Member inquire into the matter and find out whether that was the opinion of the committee and if so to implement it ?

**The Honourable Mr. A. G. Clow :** I am perfectly prepared to find out what the opinion of the committee was, but I cannot guarantee to implement it.

**Mr. Lalchand Navalrai :** Will the Honourable Member do something in that direction if it appears to the Honourable Member that it is a reasonable thing to do ? Will he make a beginning ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not entitled to ask for action.

**Mr. S. Satyamurti :** May I know if Government have made any estimate for having these fans put only in long distance trains, trains that travel for 12 or 24 hours and more, especially in the hottest months of the year and if not, will they get an estimate of that cost ?

**The Honourable Mr. A. G. Clow :** I am not sure that there is a separate estimate for such trains, but the capital cost would be the same whether they ran for a few months or for the whole year.

**Mr. S. Satyamurti :** I am talking about long distance trains : I take it there is separate coaching traffic for such passenger trains running for more than 12 or 24 hours. Will Government obtain an estimate of the cost of fitting fans in such trains ?

**The Honourable Mr. A. G. Clow :** I appreciate the Honourable Member's point : but he must remember that a good deal of the stock is inter-changeable between long distance trains and others, and I do not think that the financial position of the railways is now such that we can embark on any substantial expenditure at this stage.

## FITTING UP OF SPEEDOMETERS IN ENGINES.

143. \*Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Railways state :

- (a) whether they have considered the statement in the Thom Report that speedometers are not fitted in the engines ;
- (b) whether they consider it safe ; and
- (c) whether they have taken any steps to introduce speedometers ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Whether the addition of speedometers would make for a greater degree of safety is a matter of opinion.

(c) The general question of fitting speedometers or speed recorders is under the consideration of the Railway Board. I am laying on the table of the House a statement showing :

- (i) The railways that are using speedometers or speed recorders and the number (where known) that they have so far fitted ;
- (ii) a precis of their experience therewith ; and
- (iii) the proposals of certain railways for fitting additional instruments.

*Locomotive speed indicators and recorders.*

Railways.	No. of speed indicators and recorders in use.	Experience with instruments in use.	Proposals for providing additional instruments.
A. B. ..	2 locos. fitted with speed indicators and recorders.	The instruments are satisfactory for both indicating and recording, the fitting of recording chart rolls, however, is rather awkward and the recording gear of both instruments has suffered damage due to rough handling.	The use of an Electric type speedometer is under consideration. The general use of speedometers on all engines, however, is not under contemplation.
B. & N. W. ..	Nil .. ..	..	6 'YB' type engines on order for 1938-39 have been recommended to be fitted with speed indicators.
B. B. & C. I. ...	Nil .. ..	..	It is proposed to fit 31 B. G. engines working fast schedules, with speed indicators and recorders.

Railways.	No. of speed indicators and recorders in use.	Experience with instruments in use.	Proposals for providing additional instruments.
E. B. ..	Nil .. ..	..	Arrangements are in hand for the purchase of one Electrical speed indicator for trial purposes.
E. I. ..	No loco. is fitted with speed indicator or recorder. During last few months 6 speed recorders have, however, been fitted to brake vans of certain important trains.	To start with these instruments gave excellent results. Recently they have given considerable trouble due mainly to tampering.	No decision reached as to the fitting of speedometers.
M. & S. M. ..	A number of locos. are fitted with speed indicators and recorders.	So far it has not been possible to get the transmission from engine wheel to instrument to stand up to service conditions, in spite of numerous trials and changes.	Experiments are still being made with the existing transmission and with other types of indicators and transmissions.
N. W. ..	5 engines are fitted with speed indicators.	These indicators are still in use, but 2 of the clock-work units have had to be returned to the makers for repairs. The drive of these indicators has also given trouble, and there have been many instances of driving shafts breaking. The differential joints in the drive operate at angles which put a great strain on the shaft, and the method of lubrication is defective. The makers have supplied recently a modified design of drive which is under trial.	Administration does not contemplate the provision of speed indicators or recorders to any more locomotives at present.
N. S. ..	Nil .. ..	..	Speed indicators are on order for 7 'XB' engines and under contemplation for 4 'XA' engines.
R. & K. ..	Nil .. ..	..	3 Locos. fitted with speed indicators and recorders are being imported this year.
S. I. ..	Nil .. ..	..	Fitting of speed indicators to 11 XB type engines is proposed.

Railways.	No. of speed indicators and recorders in use.	Experience with instruments in use.	Proposals for providing additional instruments.
G. I. P. ..	65 Electric locos. are fitted with speed indicators and recorders. 10 XA steam engines were also fitted with these instruments in 1931 but were subsequently removed in 1933-34 as they were considered too fragile.	The instruments fitted to Electric locos. have proved quite satisfactory in service. It is now thought that had the instruments removed from the steam engines been maintained and spares kept in stock, in accordance with the procedure adopted for the instruments fitted on the Electric locos. they would have proved satisfactory.	The refitting of the original 10 speed indicators to XA engines is in progress also the fitting of 4 more originally purchased for shunting engine trials. Investigations are being made to find a more efficient type of speedometers for use on fast train engines.
B. N.	2 engines are fitted with speed indicators and recorders and 2 engines with speed indicators only.	The Hasler Teloc type and Teloc type indicators and recorders and Teloc type indicator (non-recording) have proved satisfactory. Stone Denta speed indicator fitted to an engine has not been entirely satisfactory but one fitted to a saloon has proved quite satisfactory.	Arrangements are being made to fit two electric speed indicators to two express engines and two speed indicators with recording mechanism to two branch line engines. The question of fitting further speed indicators and recorders is under consideration.

**Mr. T. S. Avinashilingam Chettiar :** What would be the additional cost involved in fitting speedometers ?

**The Honourable Mr. A. G. Clow :** Everywhere ?

**Mr. T. S. Avinashilingam Chettiar :** In those in which there are no speedometers ?

**The Honourable Mr. A. G. Clow :** I don't have figures at the moment, but the cost will vary according to the type you use.

**Mr. S. Satyamurti :** Is it open under the terms of reference to this Committee which has been appointed to examine the working of XB Engines to make a recommendation with regard to the necessity or otherwise of fixing speedometers in all these engines ?

**The Honourable Mr. A. G. Clow :** There is no specific reference in the terms of reference, but I should not be surprised if the Committee dealt with it.

**Mr. Lalchand Navalrai :** May I know if the Honourable Member knew before this Report was made that there was a necessity for fixing speedometers in these engines ?

**The Honourable Mr. A. G. Clow :** I would refer the Honourable Member to the answer I gave to part (b) of the question.

SCALES OF SALARY FOR PROGRAMME ASSISTANTS AND TECHNICAL ASSISTANTS  
IN BROADCASTING STATIONS.

144. \***Mr. K. Santhanam** : Will the Honourable Member for Communications be pleased to state :

- (a) the scale of salary for programme assistants at Delhi, Madras and other stations ;
- (b) the scale of salary for technical assistants ;
- (c) why the latter scale is lower than that of the former ;
- (d) whether it is the opinion of Government that the qualifications for the job of technical assistants are inferior to those of the programme assistants ; and
- (e) if the answer to part (d) be in the negative, whether he proposes to take steps to equalise the scales ?

**The Honourable Mr. A. G. Clow** : (a) Rs. 150—10—250.

(b) Rs. 100—5|2—150.

(c) and (d). The qualifications for the two posts are so different that a comparison is not possible. The scales of pay were fixed with due regard to the respective duties of these posts and the need of attracting the right type of recruit in each case.

(e) Does not arise.

**Mr. K. Santhanam** : May I know if it is a fact that many of these Technical Assistants are M. A.'s in science and also possess further technical qualifications, while the programme assistants are hardly graduates ?

**The Honourable Mr. A. G. Clow** : I am quite prepared to believe it ; but I don't know it for a fact.

**Mr. K. Santhanam** : May I know what are the special qualifications of these programme assistants which entitle them to a higher scale of salary ?

**The Honourable Mr. A. G. Clow** : It is the difficulty of getting the right type of men. Their qualifications are not easy to define, but perhaps their best qualification I can give is intellectual curiosity which is not a very common attribute.

**Mr. K. Santhanam** : Are Government aware that the programme assistants whom they have selected have got intellectual curiosity ?

**The Honourable Mr. A. G. Clow** : They were selected with that in view.

**Mr. M. Ananthasayanam Ayyangar** : How do Government find that these people have got intellectual curiosity ?

**Mr. Manu Subedar** : Why do not Government appreciate the intellectual curiosity on the opposition Benches ?

**The Honourable Mr. A. G. Clow** : I do not think they have applied for any of these posts.

**APPOINTMENT OF DIRECTORS OF PROGRAMMES FOR THE NEW BROADCASTING STATIONS.**

145. \***Mr. K. Santhanam** : Will the Honourable Member for Communications be pleased to state :

- (a) whether Government propose to appoint Directors of Programmes for the new Broadcasting Stations at Madras, Trichinopoly and other places ;
- (b) what the duties of those Directors are ;
- (c) whether those duties cannot be performed by the Station Director ;
- (d) whether Government have considered that it will be more economical to make the Station Director the Director of Programmes also ; and
- (e) whether Government have tried such combination and found it difficult in practice ?

**The Honourable Mr. A. G. Clow** : (a) Yes.

(b) The duties of a Director of Programmes are :

- (i) to guide, supervise and co-ordinate the work of programme assistants under him who are responsible for arranging and organising different sections of the programmes,
- (ii) to supervise the work of the announcers,
- (iii) to supervise studio arrangements for the satisfactory conduct and transmission of programmes,
- (iv) to supervise rehearsals, additions, relays, outside broadcasts, and regular daily transmissions.

(c) No ; the Station Directors' duties are sufficiently heavy, as he is responsible for the general administration of the station, including its programmes, finances and the control of the staff.

(d) and (e). Except at Peshawar, which has a small station of limited range, Government have not tried to combine the two posts. At other stations, it would be impracticable to do so.

**Mr. K. Santhanam** : May I know if the Government started with the idea that these Station Directors have enough work or they have arrived at that conclusion as a result of experience ?

**The Honourable Mr. A. G. Clow** : I don't remember what the origin was, but I think this is the practice in other countries too.

**Mr. K. Santhanam** : May I know, Sir, if, in view of the high salaries paid to Station Directors, the Government will make an attempt to combine both the duties and see what happens ?

**The Honourable Mr. A. G. Clow** : I have recently visited some stations, and I am quite convinced it is not practicable in the interests of efficiency to combine the two posts.

**Mr. K. Santhanam :** May I know if the Government are aware that there is a general feeling that many of these people have not got sufficient work ?

**The Honourable Mr. A. G. Clow :** I am afraid I am not responsible for the general feeling.

LOSS TO RAILWAYS DUE TO COMPETITION WITH BUSES.

146. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member in charge of Railways please state :

- (a) if his attention has been particularly drawn to portions of the Kirkness-Mitchell and Wedgwood reports where definite figures have been given showing the amount of loss suffered by different Railway Administrations owing to bus competition ;
- (b) whether the Honourable Member will inquire and state how those figures were collected and worked out ;
- (c) if the Honourable Member is aware that Messrs. Kirkness and Mitchell have stated that these are mere guesses ;
- (d) if it is a fact that one of the main objects of Motor Vehicles Legislation, now before the Assembly, is to prevent Railways' loss by bus traffic ; and
- (e) whether Government are in possession of facts showing that the Railways are losing more from buses on parallel roads than they are gaining by the appearance of buses on feeder-roads ?

**The Honourable Mr. A. G. Clow :** (a) I have seen the passages in question.

(b) I would refer the Honourable Member to paragraph 13 of the Report submitted by Messrs. Mitchell and Kirkness, a copy of which is in the Library of the House. The figure given in the Report of the Indian Railway Enquiry Committee was based on particulars submitted by Railway Administrations whose estimates were arrived at by various methods, the details of which would involve the compilation of a somewhat compendious pamphlet. Government accept the conclusion of the Wedgwood Committee that it is not possible to assess the loss with accuracy, but that it is substantial.

(c) No. What they say in their report is that the figures " must be treated with all the reserve due to conjectural estimates, though we do not think that they are very wide of the mark ".

(d) I would not accept this as an accurate statement of the position. I would refer the Honourable Member to the Statement of Objects and Reasons appended to the Bill.

(e) I cannot furnish the Honourable Member with statistics, but any increase in railway traffic due to motor transport feeder services would seem to be small compared with the decrease due to direct competition. It does not appear that motor transport has induced goods to move to or from railways, in any substantial degree, that did not previously move by



other means. There have probably been a number of people who travelled by rail because of the more convenient access to railway stations afforded by motor transport, but the fact remains that there has been a serious decrease in passengers travelling which must be attributed in the main to direct competition by motor transport.

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member please lay on the table of the House the evidence tendered by the Railways before the Wedgwood Committee regarding the losses sustained due to motor competition ?

**The Honourable Mr. A. G. Clow :** I would refer the Honourable Member to the Report submitted by Messrs. Mitchell and Kirkness. I do not know that I have any other papers.

**Mr. Brojendra Narayan Chaudhury :** Is the Honourable Member aware that at page 102 of the Wedgwood Committee's Report it is stated that the evidence was placed before them by the railway administrations relating to losses incurred as a result of motor competition. I want that evidence to be placed on the table of the House.

**The Honourable Mr. A. G. Clow :** I am sorry ; I thought the Honourable Member referred to the Report submitted by Messrs. Mitchell and Kirkness. I will look into the matter, but I do not know whether it is available and whether it is in a suitable form for laying it on the table of the House.

**Mr. Brojendra Narayan Chaudhury :** Have Government taken a census of motor transport as recommended by Messrs. Mitchell and Kirkness at page 11 of their Report ?

**The Honourable Mr. A. G. Clow :** I am afraid I must ask for notice of that question.

**Mr. Lalchand Navalrai :** May I know, Sir, if it is a fact that the Railways have started their own buses to work in competition with private enterprise at certain stations, and is that a profitable venture ?

**The Honourable Mr. A. G. Clow :** There is a company on the North Western Railway which has some connection with that Railway, but I am not in possession of the details.

**Mr. Lalchand Navalrai :** The Honourable Member may take it from me that it is at Lyallpur the North Western Railway have started running their own bus service, but I want to know if it is really profitable to the Railways or it is only started to kill private enterprise ?

**The Honourable Mr. A. G. Clow :** It is really not possible to say anything at present ; it was started only recently.

#### EARTHQUAKE SHOCKS AND BUILDINGS IN QUETTA.

147. **\*Mr. Lalchand Navalrai :** (a) Will the Secretary for External Affairs be pleased to state how many earthquake shocks were experienced in Quetta since last year and with what result ?

(b) Is it a fact that an earthquake shock of fair intensity, accompanied by rumbling sound, was experienced on the evening of 29th May, 1938 ?

(c) What steps do Government propose to take to overcome such shocks and to provide against the danger arising therefrom ?

(d) How far has the construction of Quetta buildings progressed, and what provisions have Government in contemplation to avert any danger to these new buildings in particular, and the whole area of new Quetta, in general, against these earthquake shocks ?

(e) Do Government propose to continue building Quetta on the old ruined area ? If so, why ?

**Sir Aubrey Metcalfe :** (a) As there is no Seismograph in Quetta the number of earthquake shocks experienced there is not recorded, but no damage to permanent or temporary buildings has occurred during the last year.

(b) Yes.

(c) and (e). The Honourable Member's attention is invited to the reply given in this House on the 25th January, 1937, to his starred question No. 160.

(d) Progress in the construction of private buildings in Quetta is proceeding rapidly. In the city and municipal area streets have been widened and all buildings are erected in accordance with the Building Code which provides several types of earthquake resisting buildings. Government rebuilding in the Civil area has only just begun. All buildings will be of earthquake resisting types. The subsoil drainage scheme by which the force of shocks is expected to be limited has been nearly completed.

**Mr. Lalchand Navalrai :** With regard to clause (a), is it or is it not a fact that there have been several earthquakes during the period I have mentioned ?

**Sir Aubrey Metcalfe :** I have already said that there have been some shocks experienced.

**Mr. Lalchand Navalrai :** Have Government found out the real cause of these shocks and have they done anything to prevent further shocks ?

(No reply.)

#### RAILWAYS COLLECTING TAXES FROM PASSENGERS AND GOODS FOR LOCAL BODIES.

148. **\*Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable Member in charge of Railways be pleased to give a list of the municipalities and other local bodies for which Government collect taxes from passengers and goods ?

(b) Why have the Indian Railways undertaken to collect money for local bodies ?

**The Honourable Mr. A. G. Clow :** (a) The list desired, prepared as accurately as is possible in the time available, is laid on the table.

(b) The underlying considerations have been the convenience and economy to local bodies, which this system of collection affords and the avoidance of the inconvenience to the travelling public which would arise if such taxes were to be collected by local bodies outside railway limits. In some cases the liability to collect the tax is imposed on railways by local Statute.

*List showing the names of the Municipalities and other Local Bodies on whose behalf taxes on passengers and goods are collected.*

Terminal Tax on passengers including  
Pilgrim and visitor's tax.

Terminal Tax on goods.

I.

II.

- |   |                                    |
|---|------------------------------------|
| 1. Muttra.  | 1. Bombay Municipality.            |
| 2. Government of Bombay.                                      | 2. Agra Municipality.              |
| 3. Gwalior Darbar.  | 3. Banda Municipality.             |
| 4. The Calcutta Improvement Trust.                            | 4. Cawnpore Municipality.          |
| 5. The District Board, Vizagapatam.                           | 5. Amraoti Municipality.           |
| 6. Commissioners for the New Howrah Bridge.                   | 6. Betul Municipality.             |
| 7. Government of Bihar and Orissa (now Government of Orissa). | 7. Chhota Chhindwara Municipality. |
| 8. Madura Municipality.                                       | 8. Damoh Municipality.             |
| 9. Negapatam Municipality.                                    | 9. Ellichpur Municipality.         |
| 10. Chidambaram Municipality.                                 | 10. Gadawada Municipality.         |
| 11. Mayavaram Municipality.                                   | 11. Harda Municipality.            |
| 12. Tiruvannamali Municipality.                               | 12. Hinganghat Municipality.       |
| 13. Trichinopoly Municipality.                                | 13. Kareli Municipality.           |
| 14. Srirangam Municipality.                                   | 14. Khamgaon Municipality.         |
| 15. Conjeevaram Municipality.                                 | 15. Malkapur Municipality.         |
| 16. Dhanushkodi Panchayat Board.                              | 16. Narsingpur Municipality.       |
| 17. Rameswaram Panchayat Board.                               | 17. Pipariya Municipality.         |
| 18. Taran Taran Municipality.                                 | 18. Pulgaon Municipality.          |
| 19. Karnal District Board.                                    | 19. Seoni Malwa Municipality.      |
| 20. Montgomery District Board.                                | 20. Shegaon Municipality.          |
| 21. Nankana Sahab Municipality.                               | 21. Sohagpur Municipality.         |
| 22. Sehwan Municipality.                                      | 22. Wardha Municipality.           |
| 23. Soron Municipality.                                       | 23. Wun Municipality.              |
| 24. Ajmer Municipality.                                       | 24. Yeotmal Municipality.          |
| 25. Brindaban Municipality.                                   | 25. Balaghat Municipality.         |
| 26. Ujjain Municipality.                                      | 26. Bhatapara Municipality.        |
| 27. Tirupati Municipal Council.                               | 27. Dhamtari Municipality.         |
| 28. Chittoor District Board.                                  | 28. Drug Municipality.             |
| 29. Tiruttani Panchayat Board.                                | 29. Gondia Municipality.           |

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Terminal Tax on passengers including  
Pilgrim and visitor's tax.

Terminal Tax on goods.

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## I.

30. Trivellore Panchayat Board.
31. Bezwada Municipal Council.
32. Ongole District Board.
33. Gaya Municipality.
34. Allahabad Municipality.
35. Prayag Municipality.
36. Ajodhya Municipality.
37. Fyzabad Municipality.
38. Bindhachal Municipality.
39. Hardwar Municipality.
40. Benares Municipality.
41. Rikhikesh Notified Area Committee.
42. Katra Municipality.

## II.

30. Mandla Fort Municipality.
31. Raipur District Council.
32. Bhandra District Council.
33. Arifwala Municipality.
34. Amballa City Municipality.
35. Chak Jhumra Municipality.
36. Chichawatni Road Municipality.
37. Delhi Shahdara Municipality.
38. Gojra Municipality.
39. Khanewal Municipality.
40. Kamalia Municipality.
41. Lyallpur Municipality.
42. Mandi Burewala Municipality.
43. Moga Tahsil Municipality.
44. Montgomery Municipality.
45. Mian Channu Municipality.
46. Muzaffar Nagar Municipality.
47. Pakpattan Municipality.
48. Okara Municipality.
49. Qila Sheikhpura Municipality.
50. Shaharanpur Municipality.
51. Sillanwali Municipality.
52. Toba Tek Singh Municipality.
53. Vihari Municipality.
54. Bahraich Municipal Board.
55. Kasganj Municipality.
56. Moradabad Municipality.
57. Madras Corporation.
58. Calcutta Port Commissioners.
59. Calcutta Bridge Commissioners.
60. Etawah Municipality.
61. Farukhabad Municipality.
62. Khurja Municipality.
63. Chandausi Municipality.
64. Dehra Dun Municipality.
65. Mirpur Khas Municipality.
66. Ahmedabad Municipality.
67. City of Bombay Municipality.
68. Baroda Municipality.
69. Bathras Municipality.
70. Muktsar Municipality.
71. Nadiad Municipality.
72. Petlad Municipality.
73. Umreth Municipality.

**Maulvi Abdur Rasheed Chaudhury :** Are the local bodies paying the railway authority for collecting their taxes ?

**The Honourable Mr. A. G. Clow :** I believe they do.

**Dr. Sir Ziauddin Ahmad :** May I ask whether any bus services also collect these taxes from the passengers ?

**The Honourable Mr. A. G. Clow :** I am not responsible for these services.

**Dr. Sir Ziauddin Ahmad :** I am merely asking for information.

**The Honourable Mr. A. G. Clow :** I am not in possession of the facts. This is really a matter for the local bodies.

**Dr. Sir Ziauddin Ahmad :** If these road services do not collect the taxes and the railways do, then will it not handicap the railways in general competition ?

**The Honourable Mr. A. G. Clow :** It would, certainly, but I am not sure of the facts.

**Maulana Zafar Ali Khan :** In the case of local bodies a certain concession has been given. Will the same concession be given to the Muslim League also ?

**The Honourable Mr. A. G. Clow :** I do not think it is a statutory body.

**Mr. Lalchand Navalrai :** Do Government get any consideration for this collection ?

**The Honourable Mr. A. G. Clow :** As I said earlier, I believe it does.

#### ARREST OF MR. ERIC DUTT AT VALENCIA.

149. **\*Mr. Govind V. Deshmukh :** Will the Foreign Secretary please state :

- (a) if Mr. Eric Dutt, son of Mr. P. C. Dutt, Bar-at-Law of Jubbulpore, Central Provinces, has been arrested at Valencia in Spain ;
- (b) the circumstances leading to his arrest ; and
- (c) if Government took any steps to get him released ; if so, with what result ?

**Sir Aubrey Metcalfe :** (a) Yes.

(b) He stayed at Valencia with an invalid passport and was arrested by the Spanish Government on a charge of espionage.

(c) Everything possible has been and is being done by His Britannic Majesty's Representatives in Spain to secure his release. The latest reports show that Mr. Dutt is still under detention.

**Mr. Govind V. Deshmukh :** Was an inquiry made as regards the charge of espionage ?

**Sir Aubrey Metcalfe :** That is not a charge into which His Majesty's Representative can inquire.

**Mr. Abdul Qaiyum :** How long has he been under detention ?

**Sir Aubrey Metcalfe :** About four months but I must have notice if you want exact information.

**Mr. Abdul Qaiyum :** Has the trial begun ?

**Sir Aubrey Metcalfe :** I do not think so.

**Mr. S. Satyamurti :** Have Government no information as to whether this gentleman is being detained with a view to trial or is he being simply detained ?

**Sir Aubrey Metcalfe :** The only information available when I last received information was that he was in detention and would probably be tried, but this is a matter which rests not with His Majesty's Representative, but with the Spanish Government.

**Mr. S. Satyamurti :** Will Government ask His Majesty's Representative in Spain to find out from the Spanish Government what their intention is with regard to this unfortunate gentleman whether they are going to try him and if so for what offence, and on whose behalf was this espionage conducted ?

**Sir Aubrey Metcalfe :** I have already said that His Majesty's Representatives in Spain have under instructions, from His Majesty's Government made every effort to ascertain what the intentions of the Spanish Government are with regard to this gentleman.

**Mr. S. Satyamurti :** When was the last time they heard about this affair ?

**Sir Aubrey Metcalfe :** About a month ago.

**Mr. Sri Prakasa :** Are Government satisfied that this gentleman is being properly treated ?

**Sir Aubrey Metcalfe :** The Honourable Member is asking for an expression of opinion.

**Mr. S. Satyamurti :** Have Government any information as to the charge of espionage and the definite nature of the charge ? On whose behalf is this gentleman supposed to have been carrying on espionage in Spain ?

**Sir Aubrey Metcalfe :** I have no further information than I have already given to the House.

**Mr. S. Satyamurti :** Will Government remind His Majesty's Government on this subject and ask them to expedite matters because this gentleman has been detained already for three or four months ?

**Sir Aubrey Metcalfe :** I will certainly address His Majesty's Government but I can assure the House that every possible endeavour has been and is still being made to secure justice for Mr. Dutt.

DETENTION OF MR. VIRENDRA CHATTOPADHYA IN RUSSIA.

150. \***Mr. Govind V. Deshmukh** : Will the Foreign Secretary please state :

- (a) if Mr. Virendra Chattopadhyia is either arrested and detained without trial by the Soviet Government, or is undergoing imprisonment in Russia for conviction of any offence ;
- (b) the circumstances leading to his arrest and conviction ; and
- (c) if Government took any steps to render him any help or get him released ?

**Sir Aubrey Metcalfe** : (a) and (b). Government have no information.

(c) Does not arise.

**Mr. Lalchand Navalrai** : May I know if the Government have any information that he has been arrested ? Have the Government made any inquiries ?

**Sir Aubrey Metcalfe** : Government have certainly made inquiries and they have no information. As the House will remember, the whole of the story rests upon a statement made in the House of Commons by a gentleman called Mr. McGovern who asserted that a large number of Indians had been arrested. Mr. Butler replying said he was not aware of this but if Mr. McGovern would supply particulars he would ask His Majesty's Ambassador to make inquiries. So far as I know and so far as I have been able to ascertain from His Majesty's Government, no further particulars have been supplied either by Mr. McGovern or any person in this country ?

**Mr. Lalchand Navalrai** : Is this gentleman really there or not ?

**Sir Aubrey Metcalfe** : That is a question to which I should like to have an answer.

**Mr. M. Ananthasayanam Ayyangar** : Have the Government of India ascertained independently of His Majesty's Government whether any Indians have been arrested ?

**Sir Aubrey Metcalfe** : The Government of India have telegraphed to His Majesty's Government on this subject and His Majesty's Government say that until somebody can produce more information they cannot produce any.

ARRANGEMENTS WITH THE IMPERIAL AIRWAYS AS A PART OF THE EMPIRE AIR MAIL SCHEME.

151. \***Seth Govind Das** : Will the Honourable Member for Communications please state :

- (a) whether it is a fact that Government have made new arrangements with the Imperial Airways as a part of the Empire Air Mail Scheme ;
- (b) whether he will lay a copy of the scheme regarding the entire arrangement on the table ;

- (c) whether the arrangement will continue to be in force for a period of 15 years ;
- (d) the necessity for this long term of years ;
- (e) when the present term was due to expire ;
- (f) the reason for premature and early arrangement of the new agreement ;
- (g) the date since when negotiations have been going on for the conclusion of the fresh agreement ;
- (h) whether Government took the public or the legislature into their confidence regarding their intention for concluding an early and premature agreement ; and
- (i) if not, the reasons therefor ?

**The Honourable Mr. A. G. Clow :** (a) The arrangement is with His Majesty's Government to participate in the Empire Air Mail Scheme, which forms the subject of an agreement between His Majesty's Government and Imperial Airways.

(b) Yes. The Honourable Member is referred to the memorandum on the Empire Air Mail Scheme, submitted to the Standing Finance Committee, Volume XVI, No. 5, dated the 27th February, 1937.

(c) Yes.

(d) The scheme involved the raising of about two million sterling capital and it was considered that fifteen years would be the minimum period adequate to ensure the requisite security of tenure for a scheme of this magnitude.

(e) The former arrangements for the carriage of mails to and from India were due to expire on the 31st of March, 1939.

(f) The arrangement was the result of developments not foreseen at the time when the old contract was entered into and the transition date from the old scheme to the new could not be exactly adjusted to the date of expiry of the old agreement. The advantages of the new scheme involving the abolition of the air mail surcharge, the increase in frequency, and the consequent development of air transport affecting not only Imperial Airways and Indian Trans-Continental Airways Services, but the feeder air mail services of India, made it undesirable to delay the new arrangement longer than was absolutely necessary.

(g) The outlines of the scheme were first mooted in 1934, and negotiations were then commenced for the settlement of terms of India's participation in it.

(h) and (i). The negotiations were of a protracted character and were not made public before the details were worked out. The scheme was placed before the Standing Finance Committee in February, 1937, and passed by them, the necessary budgetary grants to implement the scheme in 1937-38 being subsequently passed by the Assembly. It was not possible to make a public announcement about the scheme any earlier.

**Seth Govind Das :** Have any commercial bodies in this country declared that this agreement is against the interests of India ?



**The Honourable Mr. A. G. Clow :** I do not think that it is a fact that all commercial bodies have protested.

**Seth Govind Das :** Is it a fact that the Federation of Indian Chambers of Commerce, the Bombay Chamber of Commerce and the Calcutta Chamber of Commerce have all protested against this agreement ?

**The Honourable Mr. A. G. Clow :** I think the Federation of Indian Chambers of Commerce have protested but I am not aware of the others.

**Mr. T. S. Avinashilingam Chettiar :** What is the net extra expenditure involved in this scheme.

**The Honourable Mr. A. G. Clow :** The Honourable Member will get full information from the memorandum to which I have referred.

**Mr. S. Satyamurti :** With reference to clause (f) of the question, may I know if Government have made any rough calculation in rupees, annas and pies of the advantages which accrue to this country because of our adherence to the scheme and have they come to any tentative conclusion that taking the approximate figures on the whole this is financially advantageous to India ?

**The Honourable Mr. A. G. Clow :** The estimate of the figures was given in the memorandum to which I referred. Speaking from memory, I think actually the Empire Air Mail Scheme proper shows a net financial advantage, apart from other advantages gained.

**Mr. S. Satyamurti :** Can the Honourable Member give some rough idea of the net financial advantage ?

**The Honourable Mr. A. G. Clow :** I think if the Honourable Member will look at the statements appended to this memorandum he will find all the information he wants.

**Mr. M. Ananthasayanm Ayyangar :** May I ask what is the additional expenditure involved in the new scheme over and above what was incurred under the previous arrangements ?

**The Honourable Mr. A. G. Clow :** That, again, is given in that memorandum if the Honourable Member will kindly look at it.

#### ARRANGEMENTS WITH THE IMPERIAL AIRWAYS AS A PART OF THE EMPIRE AIR MAIL SCHEME.

152. **\*Seth Govind Das :** Will the Honourable Member for Communications state :

(a) whether it is a fact that the Honourable Sir Frank Noyce made a statement on the 20th September, 1937, that " Government will be at liberty in 1939 to re-consider the whole position regarding the future arrangement with the Imperial Airways " ;

(b) whether it is a fact that the Indian commercial bodies insisted upon being given an opportunity of subscribing to the share capital of the Imperial Airways Company with some administrative control ;

- (c) whether Government considered this popular demand of the commercial bodies while concluding the fresh agreement ; if so, whether Government secured for the Indian commercial interests their legitimate share in the Air Mail scheme ;
- (d) whether Government consulted the Indian commercial bodies before concluding the fresh agreement ; if not, why not ;
- (e) the percentage of shares owned by Indians in the Imperial Airways ; and
- (f) whether it is a fact that the contract for the Air Mail Scheme was given to a non-Indian Company for considerations of Air Defence ; otherwise, what are the justifiable reasons ?

**The Honourable Mr. A. G. Clow :** (a) No ; the statement cited was made on the 20th September, 1933.

(b) Not so far as I am aware. The fresh capital required by Indian National Airways for the Indian Trans-Continental Airways has not yet been called up and the public will have an opportunity of subscribing to it.

(c) The Government of India considered most carefully the advantages which would accrue to India by participation in the Empire Air Mail Scheme, and they were satisfied that Indian interests had been well secured.

(d) No reference was made, nor was it thought to be necessary.

(e) The number of Indians who hold shares in Imperial Airways which is a British Company is not known.

(f) No ; considerations of defence formed no part of the discussions. I must refer my Honourable friend to the memorandum submitted to the Standing Finance Committee for the reasons which led Government to conclude the arrangement.

**Mr. Manu Subedar :** With reference to the answer to part (d) of the question, may I ask why was it not thought necessary to make a reference to commercial bodies ?

**The Honourable Mr. A. G. Clow :** That is a matter of judgment.

**Mr. Manu Subedar :** May I know what were the reasons ?

**The Honourable Mr. A. G. Clow :** I am not prepared to amplify the answer.

**Mr. S. Satyamurti :** With reference to the answer to part (b) of the question, may I know whether the Standing Finance Committee at an earlier stage did make a recommendation that with regard to this Empire Mail Service 75 per cent. of the shares should be held by Indians along with a proportionate representation on the directorate, and if so, have they taken any steps to secure either or both of these objects ?

**The Honourable Mr. A. G. Clow :** No Sir. There was a recommendation somewhat on the lines my Honourable friend cited but as far as I remember no reference to the Empire Air Mail scheme was made. I have given a full explanation of that in the answer which I gave to his starred question No. 32 on Monday last.

**Mr. S. Satyamurti :** May I know whether in view of his answer to part (b) of the question, Government propose to take any steps to secure that a minimum number of shares is held by Indians in view of the public and commercial opinion to that effect in this country ?

**The Honourable Mr. A. G. Clow :** There is no such proposal under consideration, so far as I know.

**Mr. S. Satyamurti :** Have Government been approached by commercial bodies at any time with regard to this fresh Air Mail Service both with regard to the directorate and the holding of shares that India should have a specified number ?

**The Honourable Mr. A. G. Clow :** I cannot remember offhand what was said in the Federation's letter. If the Honourable Member knows that that is in it, I will take it from him.

**Mr. S. Satyamurti :** Are Government taking any steps to secure those objects, in the interests of India, that is to say, that a minimum number of shares should be held by Indians with proportionate representation on the Directorate ?

**The Honourable Mr. A. G. Clow :** I suggest that that is a request for action rather than a request for information.

**Mr. S. Satyamurti :** Do Government propose to take any steps in the matter ?

**The Honourable Mr. A. G. Clow :** At present I have no such intentions.

**Mr. K. Santhanam :** Is there any stipulation in the agreement as to the employment and training of Indians ?

**The Honourable Mr. A. G. Clow :** I think there are some arrangements ; but I have not the information here.

**Mr. Manu Subedar :** When the termination of the previous arrangements was being anticipated, did Government consider it desirable to give effect to a new arrangement without giving any particulars or asking for opinions from European and Indian commercial bodies ?

**The Honourable Mr. A. G. Clow :** I think that is the same question, which I have already answered, in another form.

#### PROVISION OF THIRD CLASS WAITING ROOMS FOR LADIES ON RAILWAYS.

153. **\*Shrimati K. Radha Bai Subbarayan :** Will the Honourable Member for Railways and Communications be pleased to state :

- (a) if Government are aware that there are no waiting rooms reserved for women third class passengers at any of the Railway Stations ;
- (b) if Government will take immediate steps to provide waiting rooms for women third class passengers at all railway stations, especially at junctions ; and
- (c) if Government are prepared to direct all Railways to appoint a woman attendant at all railway junctions and important stations to render assistance to women passengers ?

**The Honourable Mr. A. G. Clow :** (a) No. By 1937 third class waiting rooms or halls for women only had been provided at 826 stations on the major railways.

(b) The policy of effecting such improvements is being steadily and systematically followed by Railway Administrations to the fullest extent of the funds available, "but I cannot hold out a prospect of providing such waiting rooms at every station".

(c) I will convey the suggestion of the Honourable Member to the principal Railway Administrations for such action as they may consider necessary.

**Shrimati K. Radha Bai Subbarayan :** With regard to the answer to part (a) of the question, is it not a fact that the waiting rooms to which the Honourable Member refers are mere sheds and not proper waiting rooms like the first and the second class waiting rooms, and no privacy and safety from danger of molestation, and that they are found mainly if not only at stations where there is customs examination ?

**The Honourable Mr. A. G. Clow :** I do not think all of them are. I cannot believe it possible that they are mainly stations for customs examination or that a very large proportion of them are such.

**Shrimati K. Radha Bai Subbarayan :** May I repeat a question which I asked the other day ? Will the Government take steps to throw open all first and second class waiting rooms to all our women passengers ?

**The Honourable Mr. A. G. Clow :** I am afraid I must repeat my answer that I am not prepared to give a guarantee on that point.

**Shrimati K. Radha Bai Subbarayan :** May I draw the attention of the Government to the fact that European and Anglo-Indian women generally, and Indian women if they are expensively dressed, are allowed to use first and second class waiting rooms even if they travel third class ?

**The Honourable Mr. A. G. Clow :** I am not aware of that ; and I am not aware that European and Indian women who are expensively dressed do travel third class.

**Shrimati K. Radha Bai Subbarayan :** May I inform the Honourable Member that such is the case and say it from my personal experience, and may I ask why there should be any objection to throwing open first class and second class waiting rooms to all women passengers ?

**The Honourable Mr. A. G. Clow :** The obvious objection is that when persons pay extra for extra facilities, they expect those facilities.

**Shrimati K. Radha Bai Subbarayan :** May I ask why Government do not consider that it is more important to provide minimum facilities to the poorer classes of passengers than to provide luxuries to the wealthier classes ?

**The Honourable Mr. A. G. Clow :** That of course is the Honourable lady's opinion, but that is an entirely ethical consideration, but the railways are a commercial proposition.

**Seth Govind Das :** May I ask whether at those stations where there are two waiting rooms, one for first class and another for second class passengers, they propose to throw open one of these to women passengers, or to convert one of them into third class waiting rooms for women ?

**The Honourable Mr. A. G. Clow :** That question was asked on Monday. Will the Honourable Member refer to the debates on that day ?

#### ARRANGEMENTS WITH THE IMPERIAL AIRWAYS AS A PART OF THE EMPIRE AIR MAIL SERVICE.

154. **\*Sardar Mangal Singh :** Will the Honourable Member for Communications please state :

- (a) whether it is a fact that the Government of India entered into an agreement with the Imperial Airways, Limited, in 1933 or 1934 for the extension of the London-Karachi air service across India ;
- (b) the principal terms of that agreement ; and
- (c) whether this agreement has been further extended for 15 years, or whether any alteration has been made therein ?

**The Honourable Mr. A. G. Clow :** (a) and (b). The Honourable Member is referred to the Press Communique No. V-10, which was issued on the subject on the 9th May, 1933, a copy of which is laid on the table for ready reference. The Honourable Member is also referred to the debate in this House on the 20th September, 1933, on the demand for a supplementary grant for this purpose.

(c) The Honourable Member's attention is invited to the reply I have just given to parts (a) to (d) of Seth Govind Das's starred question No. 151.

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*Press communique from the Government of India, Department of Industries and Labour (Civil Aviation), No. V-10, dated Simla, the 9th May, 1933.*

#### *Trans-India Air Service.*

Arrangements have been made for the inauguration of an air service between Karachi and Singapore as a joint enterprise to be worked by an Indian Company (Indian Trans-Continental Airways, Ltd.), to be formed as explained below, together with Imperial Airways, Limited, and simultaneously for the formation of a second Indian Company, Indian National Airways, Limited, for the operation of feeder and other services in Northern India.

2. The capital of Indian Trans-Continental Airways, Limited, will be rupee capital and will be subscribed jointly by the Government of India, Indian National Airways, Limited and Imperial Airways, Limited. The directors will be selected by the share-holders and the majority will be Indians.

3. Indian Trans-Continental Airways and Imperial Airways will each provide one-half of the fleet required for the service. Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available, and Imperial Airways will arrange for the training of a limited number of Indians in their commercial and engineering departments, while the fleet and equipment for Indian National Airways and Indian Trans-Continental Airways are being procured.

4. The arrangement for the joint working of the Karachi-Singapore Service will continue till 31st March 1939, the date on which the existing agreement between His Majesty's Government and Imperial Airways for the England-India Air Service expires.

5. By means of this arrangement the participation of an Indian Company employing Indian personnel, is secured, not merely in a service operating within India, but on an important section outside India (*viz.*, from Rangoon to Singapore) of the Imperial route to Australia.

6. The fleet of the two operating companies will be homogeneous and of a modern type, carrying passengers and freight as well as mails. The details of the route across India and the time table of operation have not yet been finally settled. It is hoped that the first section of the service as far as Calcutta will be inaugurated during the summer, to be followed by an extension to Rangoon and possibly Singapore immediately after the monsoon.

7. Indian National Airways, Limited, will be formed with rupee capital. Plans for operating certain branch services are already in preparation.

**Mr. Sri Praskasa :** With reference to the Honourable Member's reply to part (b) of the question, may I know if one of the terms is that the letters will not be carried by sea any more ?

**The Honourable Mr. A. G. Clow :** I am afraid I am not quite clear as to the question ?

**Mr. Sri Prakasa :** Is it not a fact that now that all foreign mails are carried by air, is it one of the terms of the agreement that letters from India to foreign countries will not be carried by sea any more ?

**The Honourable Mr. A. G. Clow :** This question relates to the agreement entered into in 1933. I do not think that that was one of the terms.

**Sardar Mangal Singh :** May I know whether the same agreement has been extended or there have been some changes made ?

**The Honourable Mr. A. G. Clow :** Oh, no. The new arrangement is different.

#### SHARES HELD BY CERTAIN BODIES IN THE INDIAN TRANS-CONTINENTAL AIRWAYS, LIMITED.

155. **\*Sardar Mangal Singh :** Will the Honourable Member for Communications please state :

(a) the amount of shares held by :

- (i) the Imperial Airways, Limited,
- (ii) the Indian National Airways, Limited, and
- (iii) the Government of India,

in the Indian Trans-Continental Airways, Limited ; and

(b) whether any change is contemplated in the present position under the new dispensation, or whether the same position is to be continued undisturbed for another fifteen years ?

**The Honourable Mr. A. G. Clow : (a)—**

Rs.

- |                                    |           |
|------------------------------------|-----------|
| (i) 51 per cent.—Paid up capital   | 3,57,000. |
| (ii) 25 per cent.—Paid up capital  | 1,75,000. |
| (iii) 24 per cent.—Paid up capital | 1,68,000. |

(b) No change in the percentage holdings of share capital is contemplated. The share capital will be increased to Rs. 32,00,000.

**SCALES OF PAY GIVEN TO RETRENCHED EMPLOYEES ON RE-APPOINTMENT ON THE NORTH WESTERN RAILWAY.**

156. **Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state if in answer to my question No. 899, clauses (d) to (i), on the 29th September, 1937, the Honourable Member referred to Railway Board's letter No. 807-E.G.-II, dated the 31st August, 1934, which is to the effect that retrenched persons borne on the waiting list who had been or may be re-appointed after the 15th July, 1931, but before the 1st of April, 1936, will on re-appointment be entitled to the old scales of pay of the service, and stated that the orders contained in the letter were being observed by the Railway Administration and promised to send a copy of my question to the Agent, North Western Railway, for such action as he may consider necessary ?

(b) Do Government propose to enquire whether the instructions contained in the above letter were being actually carried out by the Administration ?

(c) Is it not a fact that retrenched persons re-appointed after the 15th July, 1931, but before the 1st April, 1936, are being given new scales with retrospective effect and the difference on this score is being deducted from their pay without giving any notice to them ?

(d) Is it also a fact that at the time of their appointment a clear understanding was given to them that they were being appointed in old scales, and why Government now give them new scales and deduct the difference from their pay ?

(e) If the answer to the above be in the negative, will the Honourable Member for Railways be pleased to state if it is a fact that junior persons have been allowed to retain old scale, while the seniors have been brought into new scales ; if so, the reason for this distinction ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) No such enquiry is contemplated.

(c) and (d). I would refer the Honourable Member to paragraph (i) of Part A and paragraph 3 of part B of the Railway Board's letter No. 1635-E.G., dated 30th December, 1932, a copy of which was placed in the Library of the House. These instructions directed that temporary employees with less than one year's service and employees engaged for purely temporary purposes who were discharged during the economy campaign were not to be borne on waiting lists for re-appointment, but

the North Western Railway by mistake placed such employees on waiting lists and allowed them old scales of pay on their re-appointment after 15th July, 1931, and before 1st April, 1936. In 1935, when this error came to the notice of the Railway Board, they issued instructions that such staff should be brought on to the revised scales of pay, and the North Western Railway accordingly fitted them into the revised scales of pay and recoveries were or are being effected from the staff concerned on account of overpayments made to them after the 1st October 1934, as a result of the wrong fixation of their pay in the old scales.

(e) I am not aware of any such cases.

#### SCALES OF PAY GIVEN TO RETRENCHED EMPLOYEES ON RE-APPOINTMENT ON THE NORTH WESTERN RAILWAY.

157. **\*Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that certain retrenched persons in the Headquarters Office were re-appointed after 15th July, 1931, and before 1st April, 1936, and they have been given new scales with retrospective effect and the difference in this score is now being deducted from their pay ?

(b) Do Government propose to make a thorough enquiry into the matter and order that the instructions given are carried out and that no deduction is made from the pay of the clerks re-appointed after 15th July, 1931, but before 1st April, 1936 ?

**The Honourable Mr. A. G. Clow :** (a) and (b). I would refer the Honourable Member to the reply I have just given to parts (c) and (d) of his starred question No. 156. In view of the position I have explained therein Government do not consider that any enquiry is necessary.

**Mr. Sham Lal :** Was an assurance given at the time of the appointment that they would get the old scale of pay ?

**The Honourable Mr. A. G. Clow :** I think they were offered the old scale of pay but I do not know whether an assurance was given to them.

**Mr. Sham Lal :** Once having offered the old scale of pay, is it fair for the Government now to reduce their pay ?

**The Honourable Mr. A. G. Clow :** The Honourable Member is now asking for my opinion.

#### PROMOTIONS OF CLEANERS, FIREMEN AND SHUNTERS ON THE NORTH WESTERN RAILWAY.

158. **\*Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state whether the Agent, North Western Railway, by his letter No. 177-E-115, dated the 24th August, 1928, ordered that in filling up vacancies on the list of cleaners and firemen, grades 1 and 2, occurring in future, endeavour should be made to recruit at least 50 per cent. men sufficiently literate in English, so that they could eventually be promoted to firemen and shunters in those grades ?



(b) Did the Agent, North Western Railway, by his letter No. 522-E.179, dated the 20th November, 1933, order that promotion of cleaners to firemen, firemen to shunters and shunters to drivers, should also be made in the ratio of 50 per cent. and that a separate seniority list should be made ?

(c) Is it a fact that the last letter was cancelled after eight months by letter No. 522-E.179, dated the 26th July, 1934 ?

(d) Is it a fact that the literate men recruited in accordance with previous orders were working satisfactorily, and were given to understand that their promotions would be according to the separate lists of seniority ?

(e) If the answer to parts (c) and (d) be in the affirmative, what reasons led the Agent to cancel the previous letter and are they being promoted according to the separate seniority lists ?

(f) Did these persons submit any memorial on this subject, and if so, what action was taken on it ?

(g) Is the Railway Administration prepared to re-consider their decision and give promotions according to separate seniority lists ?

**The Honourable Mr. A. G. Clow :** (a) The instructions in the letter referred to by the Honourable Member related to the filling up of vacancies in the grade of cleaners only and the promotion in view was to firemen only.

(b) Yes, except that the letter quoted by the Honourable Member referred to promotion of cleaners to firemen and firemen to shunters only.

(c) Yes.

(d) So far as Government are aware their work was satisfactory. The implication of the orders issued in the Agent, North-Western Railway's letter quoted by the Honourable Member in part (b) above was that promotion would be made from each seniority list separately.

(e) The orders contained in the Agent, North-Western Railway's letter No. 522-E.179, dated 20th November, 1933, were cancelled for administrative reasons. The reply to the latter part of the question is in the negative.

(f) The orders referred to in part (c) were passed after consideration of memorials received early in that year from illiterate cleaners and firemen. In October, 1934, memorials were received by the North-Western Railway Administration from literate cleaners and firemen for the restoration of the ratio of 50 per cent. literate cleaners and 50 per cent. illiterate cleaners for purposes of promotion as firemen. In reply to these memorials the staff were informed in February, 1935, that the total length of service of cleaners in grades I and II on their combined list will be taken in determining their seniority for promotion to the posts of firemen, that is grade I cleaner will become grade I fireman and grade II cleaner Grade II fireman. Further memorials from grade II cleaners and firemen were received in March, 1935, against the maintenance of the combined seniority list but their request was rejected by the Administration.

(g) Not so far as I am aware.

**Mr. Lalchand Navalrai :** May I ask what was the administrative reason for cancelling this letter ?

**The Honourable Mr. A. G. Clow :** I am afraid I am not in a position to give the details, but it is an extremely difficult matter to regulate promotion when you are dealing with two classes of this kind.

#### ROBBERY AND ASSAULTS ON PASSENGERS IN RAILWAY COMPARTMENTS.

159. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) the number and nature of cases of robbery and assaults on passengers in railway compartments that occurred since the last Session of the Assembly and in the year 1937-38 ;
- (b) what special precautions are being taken to prevent them and for speedy apprehension of the culprits then and there ;
- (c) if additional precautionary and preventive measures are proposed ; and
- (d) if he had studied the subject of comparative safety of travelling in private car as against higher class railway ; if so, what conclusion he has arrived at ?

**The Honourable Mr. A. G. Clow :** (a) I regret that Government have no statistics, except in regard to robberies from women passengers. Particulars of these were placed on the table of the House on the 8th August, 1938, in reply to Mr. Lalchand Navalrai's starred question No. 11, asked on the 31st January, 1938.

(b) and (c). I would refer the Honourable Member to the reply given by the Honourable Sir Muhammad Zafrullah Khan to Mr. C. N. Muthuranga Mudaliar's question No. 25 on the 25th January, 1937, in connection with the provision of means to ensure the safety of ladies travelling in the ladies' compartment. Shielded openings in partitions separating compartments reserved for ladies from adjacent compartments have been provided in some carriages on one railway, but Local Advisory Committees on railways generally are opposed to this arrangement. The provision of additional alarm pulls in compartments for ladies in which the existing pulls are not in convenient positions is proceeding on all Railways and a large number of the compartments concerned have already been so fitted. The apprehension of culprits is a matter for police action which is taken in each case as it arises.

(d) I have secured some comparative figures bearing on safety by road and rail, and while the road figures are incomplete and to some extent conjectural, I have little doubt that the conclusion to which they point, viz., that travelling by rail is distinctly safer than travel by road, is correct. The road figures did not distinguish between private cars and public buses, and the railway figures related to all classes of passenger.

**Mr. Sri Prakasa :** Is it a fact that the Honourable the Law Member was chloroformed and robbed while travelling in a train ?

**The Honourable Mr. A. G. Clow :** There is another question on that subject and I will ask the Honourable Member to wait till he hears my reply.

**Shrimati K. Radha Bai Subbarayan :** May I ask if the Local Advisory Committees to which the Honourable Member referred had any women on them ?

**The Honourable Mr. A. G. Clow :** No, I believe they have not.

**Shrimati K. Radha Bai Subbarayan :** May I ask if it is possible for the Government to have bars fixed to the widows of the compartments reserved for women ?

**The Honourable Mr. A. G. Clow :** It is certainly possible.

**Mr. T. S. Avinashilingam Chettiar :** Will Government consider the advisability of doing that ?

**The Honourable Mr. A. G. Clow :** I am prepared to examine the possibility.

**Mr. M. Ananthasayanam Ayyangar :** Arising out of the answer given by the Honourable Member, may I ask what he means by saying that it is safer to travel by rail ? Is it from the point of view of lesser robbery and dacoity on the railways or lesser accidents ?

**The Honourable Mr. A. G. Clow :** I was thinking of accidents.

**Mr. M. Ananthasayanam Ayyangar :** But that is not the question. The question is whether it is safer to travel by buses from the point of view of robbery and dacoity than to travel by rail ?

**The Honourable Mr. A. G. Clow :** The question does not say so. The main danger in travel by road is certainly due to accidents. I assumed that it was to the comparative safety of travelling in that respect that the Honourable Member was referring.

**Mr. M. Ananthasayanam Ayyangar :** May I ask whether there are less cases of robbery and dacoity on the roads than there are on the railways ?

**The Honourable Mr. A. G. Clow :** I cannot tell that because I do not know the figures. As I said, in reply to part (a), I do not know the figures on the railways, and so far as the roads are concerned, I do not know their statistics either.

#### DERAILMENT OF THE 5 UP PUNJAB MAIL.

160. **\*Mr. Brojendra Narayan Chaudhury :** With regard to the report submitted by the Senior Government Inspector of Railways to the Railway Board, will the Honourable Member for Railways please state if Government propose to direct the Inspector to make further inquiry to ascertain if "the wilful removal of a rail" according to his finding, could only be done by experts or laymen, and to examine the two firemen of 5 Up, the ill-fated train ?

**The Honourable Mr. A. G. Clow :** The further enquiry to endeavour to ascertain who the culprits were is being made by the police.

Government agree with the view of the Senior Government Inspector that the evidence of the two firemen is not necessary.

**Mr. Brojendra Narayan Chaudhury :** What I want to know is whether the rail was removed by expert hands or whether it was removed in a clumsy manner by laymen ?

**The Honourable Mr. A. G. Clow :** The report is in the Library of the House, and I would refer the Honourable Member to that.

**Mr. Brojendra Narayan Chaudhury :** I have read the report and there are no details in it, and it is for this reason that I have put this question. Will the Honourable Member direct the Senior Government Inspector to give a full report as to whether the handling of the rail was such as could only be done by those people who know how to handle rails or was it done in a clumsy way by laymen ?

**The Honourable Mr. A. G. Clow :** I think it could be done by laymen if they had the instruments. I do not think that a further inquiry will prove anything.

**Mr. Brojendra Narayan Chaudhury :** Was it not possible to obtain the traces which could prove expert handling ? My own view is that it can only be done by experts.

**The Honourable Mr. A. G. Clow :** I do not think that is possible. In any case, it is the responsibility of the police to find out the miscreants, and I have no doubt that they have not overlooked any possible clues.

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member direct the Senior Government Inspector to examine the two firemen in view of the fact that at the time of the accident they were the persons who were nearest to the scene of the accident ?

**The Honourable Mr. A. G. Clow :** As I said, I am prepared to agree with the view of the Senior Government Inspector on this point.

**Mr. Brojendra Narayan Chaudhury :** But the Senior Government Inspector has not given his reasons for not examining the two firemen.

**The Honourable Mr. A. G. Clow :** As far as I remember, he has given reasons.

**Mr. Brojendra Narayan Chaudhury :** He has merely said that they were in hospital.

**The Honourable Mr. A. G. Clow :** If the Honourable Member will read the report, he will find that the particulars of the accident are so clear that it would not add anything to take the further evidence of these witnesses.

#### ATTEMPTS TO DERAIL TRAINS.

161. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways state :

- (a) the number of attempts to derail trains that have been discovered from 1935-36 uptodate and the places where such incidents occurred ;

- (b) in how many of these cases, criminal prosecution was started ;  
in how many cases conviction was secured ;
- (c) in how many of the cases Railway employees or *ex-Railway*  
employees were proved to have been concerned ; and
- (d) in how many cases Railway or *ex-Railway* employees were  
believed by the Railway Administration to have been privy ?

**The Honourable Mr. A. G. Clow :** (a) and (b). I am having a statement compiled giving the information asked for by the Honourable Member, which relates to all Class I railways except those worked by Indian States, and it will be placed in the Library of the House in a few days time.

(c) The number of cases is two.

(d) The number of such cases was 24.

#### NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

162. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Foreign Secretary state :

- (a) whether any trade negotiations are going on with the United States of America ?
- (b) if so, at what stage the negotiations are ; and
- (c) when they are expected to be concluded ?

**Sir Aubrey Metcalfe :** With your permission, Sir, I will answer parts (a), (b) and (c) together. Correspondence is at present taking place between the Government of India and His Majesty's Government in the United Kingdom with a view to exploring the possibility of a commercial treaty between India and the United States of America. The stage for formal negotiations has not yet been reached.

**Mr. T. S. Avinashilingam Chettiar :** When the stage for formal negotiations is reached, may I know whether the negotiations will be conducted direct by the Government of India or through His Majesty's Government ?

**Sir Aubrey Metcalfe :** It will be done through His Majesty's Government.

**Mr. Manu Subedar :** Will the Honourable Member assure this House that there should be no apprehension that Indian interests will be sacrificed in the negotiations which are at present going on between His Majesty's Government in England and the Government of the United States ?

**Sir Aubrey Metcalfe :** So far as I know Indian interests are not involved in the negotiations.

**Mr. T. S. Avinashilingam Chettiar :** Will the commercial interests of India be consulted before the negotiations take place ?

**Sir Aubrey Metcalfe :** The Government of India will of course look after the interests of this country.

**Mr. M. Ananthasayanam Ayyangar :** Did the initiative proceed from the Government of India or from the Government of United States ?

**Sir Aubrey Metcalfe :** I should not be able to answer that question without notice.

**Mr. M. Ananthasayanam Ayyangar :** What is the general policy of the Government of India in such matters where there is a favourable trade balance in favour of India ? Is it necessary for India to begin negotiations and conclude a trade treaty ?

**Sir Aubrey Metcalfe :** I submit that that question does not arise.

**Mr. S. Satyamurti :** I propose to ask parts (b) and (c) only of this question. I do not ask part (a).

#### ARREST OF INDIANS IN MOSCOW AND LENINGRAD.

163. **\*Mr. S. Satyamurti :** Will the Secretary for External Affairs be pleased to state :

\* \* \* \* \*

(b) whether Government have ascertained information on this matter and what the information in the possession of Government is ; and

(c) whether Government have addressed or propose to address His Majesty's Government to take up the matter with the Government of Russia so that steps may be taken to protect the lives of these Indians, and to see that they are properly defended, if they are tried ?

**Sir Aubrey Metcalfe :** The answer to parts (b) and (c) is :

“ His Majesty's Government from whom enquiries have been made state that they have no information of any arrests such as those alleged, and they are not in a position to make enquiries or take any steps in the matter without further particulars.”

**Mr. S. Satyamurti :** May I take it, therefore, that His Majesty's Government have now ascertained through their representative in Russia and to the best of their knowledge that no Indians have been arrested ?

**Sir Aubrey Metcalfe :** That is not the position. The position is this : His Majesty's Government say that they are perfectly ready to make enquiries and to do anything they can, but that before effective enquiries could be made by their representative, they would be glad to receive some further particulars from people who raised this question.

**Mr. S. Satyamurti :** Have His Majesty's Government made a general enquiry of the Russian Government through their representatives or will they make a general enquiry as to whether any Indian has been arrested in Moscow or Leningrad ?

**Sir Aubrey Metcalfe :** As far as I know they have not ; but the point is this, that general enquiries of that kind could have no possible effect or success.

## LATEST POSITION IN WAZIRISTAN.

164. \***Mr. S. Satyamurti** : Will the Secretary for External Affairs please state :

- (a) the latest position in Waziristan, the number of casualties, Indian and European, officers and ranks, since 1st January this year in those operations, the amount of money spent in those operations, since the beginning of this financial year ;
- (b) whether any attempts have been made to get into touch with the Congress Government of the North-West Frontier Province in regard to the settlement of this problem ; and
- (c) whether Government propose to give facilities to Mahatma Gandhi and Khan Abdul Ghaffar Khan to visit the tribal areas and to advise Government on the basis of a proper and permanent solution ?

**Sir Aubrey Metcalfe** : (a) The present position in Waziristan is that there are still a number of gangs moving about in small numbers and making sporadic attacks on Government forces and property. These gangs are believed to be instigated by the Faqir of Ipi who still remains implacably hostile to Government and continues to receive considerable support from the hostile elements.

The number of casualties since 1st January, 1938, is as follows :

<i>Regular Forces.</i>						Wounded.	Killed.
British Officers..	..	..	..	..	..	2	1
Indian Officers	..	..	..	..	..	..	6
British other ranks	..	..	..	..	..	5	13
Indian other ranks	..	..	..	..	..	20	74
Followers	..	..	..	..	..	1	4
Total						28	98
<i>Scouts.</i>							
British officers..	..	..	..	..	..	1	..
Indian officers ..	..	..	..	..	..	..	1
Indian other ranks	..	..	..	..	..	6	18
Total						7	19

The extra expenditure incurred between 1st April to 30th June, 1938, amounts to Rs. 10 lakhs.

(b) and (c). No.

**Mr. S. Satyamurti :** With reference to part (c), may I know the reasons why the Government do not propose to give facilities to Mahatma Gandhi or Khan Abdul Ghaffar Khan to visit these tribal areas and to advise the Government on the basis of a proper and permanent settlement ?

**Sir Aubrey Metcalfe :** One reason is that no such facilities have been asked for.

**Mr. Abdul Qaiyum :** In view of the fact that the forward policy of the Government of India is reacting on the administration of the settled districts—there has been a raid and kidnapping in Bannu—why is it that the Government of India still persist in their policy of not consulting the Provincial Government of the North-West Frontier Province ?

**Sir Aubrey Metcalfe :** Formal consultation with the Provincial Government would be difficult in the present constitutional circumstances in which the responsibility for administration of the tribal areas rests with the Governor General.

**Mr. S. Satyamurti :** Is there any constitutional objection to the Government of India informally consulting the Congress Government of the North-West Frontier Province, with reference to this matter, in view of the fact that these tribal areas are just adjacent to that province ?

**Sir Aubrey Metcalfe :** I have very little doubt that informal consultation does in fact take place. But my point is that there are constitutional objections to formal consultation.

**Mr. Abdul Qaiyum :** Is it a fact that in view of the raid on Bannu, the administration of law and order by the Provincial Government in Bannu district has become almost impossible ?

**Sir Aubrey Metcalfe :** I think the Honourable Member is asking me for a certain expression of opinion.

**Mr. M. Ananthasayanam Ayyangar :** How is it that even after two years' operations the Government of India have not been able to get at Faqir of Ipi ?

**Sir Aubrey Metcalfe :** Do you want me to answer this question, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : No.

**Maulvi Abdur Rasheed Chaudhury :** Why is it that the casualties among the British officers are so few compared with Indian officers and other ranks ?

**Sir Aubrey Metcalfe :** Because there is a very much higher proportion of Indian troops employed in these operations.

**Mr. M. Ananthasayanam Ayyangar :** My question has not been answered, Sir. I wish to know why. If I know the reasons, I shall perhaps avoid in future putting such questions ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Because that question does not arise and it also requires a speech if answered.



## ESCORT OF THE SHAMI PIR FROM KARACHI BY AEROPLANE.

165. \***Mr. S. Satyamurti** : Will the Secretary for External Affairs please state :

- (a) whether his attention has been drawn to the article in the *Daily Islah*, the official organ of the Afghan Government, published in the *Hindustan Times* of the 21st July, 1938 ;
- (b) whether the Government of India escorted the Shami Pir from Karachi by aeroplane ;
- (c) whether he was escorted by the Political Agent of the North-West Frontier Province up to Karachi aerodrome ; and
- (d) whether there has been any correspondence between the Government of Afghanistan and the Government of India on this matter ?

**Sir Aubrey Metcalfe** : (a) Yes.

(b) No.

(c) and (d). Yes.

**Mr. S. Satyamurti** : With reference to part (b) may I know whether the answer ' No ' means that they have not escorted the Shami Pir from Karachi by aeroplane ?

**Sir Aubrey Metcalfe** : Certainly ; it could not mean anything else.

**Mr. S. Satyamurti** : Whether formally or informally ?

**Sir Aubrey Metcalfe** : Neither formally nor informally.

**Mr. Abdul Qaiyum** : Is it not a fact that this Shami Pir was escorted to Nathiagali where he was the guest of the Agent to the Governor General ?

**Sir Aubrey Metcalfe** : There is absolutely no foundation whatever for that suggestion. The Shami Pir was taken direct to Delhi and then direct to Karachi. On no occasion did he have any interview with the Agent to the Governor General.

**Mr. Abdul Qaiyum** : Is it not a fact that the Indian Agent was asked to arrange a dinner for him at Nathiagali ?

**Sir Aubrey Metcalfe** : No ; it is a complete fabrication. It has no foundation whatever in fact. I think what the Honourable Member is referring to is an entirely different person, who went to Murree and saw the Agent to the Governor General, but this person had no connection whatever with the Shami Pir.

**Maulana Zafar Ali Khan** : May I know whether this Shami Pir, as his name implies, was first a citizen of Syria ?

**Sir Aubrey Metcalfe** : I want notice if the Honourable Member wants the life history of Shami Pir ?

**Maulana Zafar Ali Khan** : When did he land in India ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not arise.

**Maulana Zafar Ali Khan :** Is it not a fact that the Afghan Envoy in London recently demanded the extradition of Shami Pir because he was involved in military operations on the Frontier border ?

**Sir Aubrey Metcalfe :** I submit that the question relates to a matter connected with relations between His Majesty's Government and a Foreign State.

**Mr. Abdul Qaiyum :** Is it not a fact that the Shami Pir's men were  
12 NOON. bombed by the Afghan air force in British tribal territory ?

**Sir Aubrey Metcalfe :** That question does not seem to arise.

**Mr. Abdul Qaiyum :** Who is this other gentleman who saw the Agent to the Governor General ?

**Sir Aubrey Metcalfe :** I cannot answer that unless notice is given.

#### ABOLITION OF *Jirga* SYSTEM IN BALUCHISTAN AND THE WITHDRAWAL OF THE FRONTIER CRIMES REGULATIONS.

166. \***Mr. S. Satyamurti :** Will the Secretary for External Affairs please state :

- (a) whether representations have been made to him asking for the abolition of *jirga* system in Baluchistan and the withdrawal of the Frontier Crimes Regulations and raising the administration of the Province to the level of the rest of India ;
- (b) whether Government have taken or propose to take any action thereon ; and
- (c) if not, why not ?

**Sir Aubrey Metcalfe :** (a) No.

(b) and (c). Do not arise.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that with regard to the Sind frontier the Sind Government has set up a committee to report whether this *jirga* system and the Frontier Regulations should exist or not ? In view of that will the Honourable Member ask the Baluchistan Government also to do the same ?

**Sir Aubrey Metcalfe :** I have no information as to what the Sind Government are doing. It is not within my province.

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that the administration by *jirga* is a negation of justice ?

**Sir Aubrey Metcalfe :** That, again, is asking for an expression of opinion.

(b) WRITTEN ANSWERS.

EXPERT ENQUIRY *re* XB ENGINES.

167. \***Mr. S. Satyamurti** : Will the Honourable Member for Communications please state :

- (a) whether Government propose to appoint an expert committee to enquire into the working of XB engines as recommended by Sir John Thom in his report on the Bihta disaster ;
- (b) when they propose to appoint a committee ; and
- (c) what the composition and terms of reference of this committee will be ?

**The Honourable Mr. A. G. Clow** : (a) to (c). I would refer the Honourable Member to the press communiqué, dated the 26th July, 1938, issued by Government in connection with the appointment, constitution and terms of reference of the expert committee, a copy of which is in the Library of the House.

EXPENSES IN CONNECTION WITH THE VISIT OF THE SULTAN OF MUSCAT.

168. \***Mr. Manu Subedar** : Will the Foreign Secretary state :

- (a) whether the Sultan of Muscat was invited to India by the Government of India ;
- (b) whether his expenses, or any part thereof, during his stay in India were paid from the revenues of India ;
- (c) what was the amount spent directly and indirectly ;
- (d) whether the expenses of his visit to England were defrayed by the Indian exchequer, or any part of such expenses incurred in England was defrayed by the India Office, or the High Commissioner for India ; if so, what the amount was ; and
- (e) whether any attempt has been made to recover from the United Kingdom the moneys spent in respect of Muscat in connection with the above, as well as in connection with the Political Residency located there ?

**Sir Aubrey Metcalfe** : (a) Yes.

(b) Yes.

(c) Rs. 9,482.

(d) The entire expenses of this visit were defrayed by His Majesty's Government.

(e) No attempt has been made to recover the money spent on the entertainment of the Sultan of Muscat during his visit to India as the official guest of the Government of India. The question of a contribution by His Majesty's Government towards the cost of the Political Agency at Muscat is at present under discussion with His Majesty's Government.

**RESPONSIBILITY FOR ACCOUNTS AND AUDIT OF RAILWAYS.**

169. **\*Mr. Manu Subedar :** (a) Will the Honourable Member for Railways please state if it is true that under the convention which separated the railway finance from general revenues, the responsibility for accounts and audit was placed on the Finance Department, represented on the Railway Board in the person of the Financial Commissioner ?

(b) Is it true that this system worked very well for more than a decade ?

(c) Is it a fact that Agents, Deputy Agents and Chief Engineers of Railways, mostly Englishmen, have resented the exposition of irregularities and the waste or misdirection of public funds ?

(d) Is it true that this resentment has been caused largely because the Accounts Officers and Auditors responsible to the Financial Commissioner were in many cases Indians ?

**The Honourable Mr. A. G. Clow :** (a) The convention of 1924 by which railway finances were separated from general revenues did not modify the position in regard to railway accounts and audit, the responsibility for both of which then rested with the Auditor-General. In accordance with a Resolution moved by Government in the Assembly in September, 1925, the responsibility for the accounts and the control of accounts establishments was transferred to the Financial Commissioner for Railways.

(b) This is a matter of opinion.

(c) and (d). No.

**INTRODUCTION OF RECRUITMENT SYSTEM THROUGH LABOUR BUREAUX FOR THE SUBORDINATE AND MENIAL STAFF ON STATE-MANAGED RAILWAYS.**

170. **\*Prof. N. G. Ranga :** Will the Honourable Member for Railways and Labour be pleased to state :

(a) whether Government have examined the desirability of introducing the system of recruitment through Labour Bureaux for the subordinate and menial staff on State-managed Railways ;

(b) whether Government are thinking of implementing the recommendation of the Royal Commission on Labour that :

(i) after 12 months' continuous service, all employees should be monthly rated and as soon as possible made eligible for all service privileges which that carries ; and

(ii) on completion of one year's service, all employees should be eligible to join a provident fund, membership being optional for those drawing under Rs. 20 and compulsory for those drawing Rs. 20 or over per mensem ?

**The Honourable Mr. A. G. Clow :** (a) The question was examined on a limited scale in connection with the recommendations of the Royal Commission on Labour in India which is numbered 119 in Appendix I to their Report. For the action taken, I would refer the Honourable Member to page 4 of the " Report showing the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India requiring administrative action ", a copy of which will be found in the Library of the House.

(b) (i) The consideration of this recommendation which had special reference to railway workshops has been indefinitely postponed, but I should explain that in some of the State-managed Railway workshops the workshop labour is monthly rated and that the workshop staff, whether monthly rated or daily rated, is eligible for privileges such as leave, notice regarding termination of service and option to subscribe to the State Railway Provident Fund after the completion of three years' continuous service.

(b) (ii) The consideration of this has been postponed indefinitely on financial grounds. I would refer the Honourable Member to Sir Thomas Stewart's speech of 21st February, 1938, appearing on page 895 of the Legislative Assembly Debates for that day.

#### PROPOSAL TO CLOSE THE BRANCH LINE BETWEEN AGRA AND BAH.

171. **\*Mr. Badri Dutt Pande :** Will the Honourable Member for Communications be pleased to state :

- (a) if, on the recommendations of the Wedgwood Committee, it is proposed to close the uneconomic branch line between Agra and Bah (Great Indian Peninsula Railway) ;
- (b) whether the United Provinces Government were consulted over this affair ; and
- (c) if so, with what results ?

**The Honourable Mr. A. G. Clow :** (a) It is proposed to close the Agra-Bah line on the 1st January, 1939.

(b) Yes.

(c) The Government of the United Provinces while emphasising the administrative importance of the line stated that, owing to their financial condition, they were not in a position to make any contribution in order to keep the line open to traffic.

#### UNSTARRED QUESTION AND ANSWER.

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†This question was withdrawn by the questioner.

## SHORT NOTICE QUESTIONS AND ANSWERS.

### RIOTS IN BURMA.

**Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position with regard to the Indo-Burman riots in Rangoon ;
- (b) the causes of these riots so far as they are known to Government ;
- (c) the total number of casualties, Indian and Burman, as a result of these riots ;
- (d) the loss of property as a result of these riots ;
- (e) the steps taken so far to quell the riots and the results thereof ; and
- (f) what steps, if any, the Government of India propose to take in consultation with the Government of Burma to remove all causes of misunderstanding between Indians and Burmans in Rangoon and in Burma generally ?

**Sardar Mangal Singh :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that wide-spread riots have recently taken place in Burma between the Burmans and Indians ;
- (b) the total number of Indians killed and wounded and loss of property suffered by them in these riots ;
- (c) the steps taken by the Government of India to protect the lives and property of Indians in Burma ;
- (d) the latest position of the riot situation in Burma ; and
- (e) whether Government will issue an authoritative communiqué regarding these riots for the information of the public ?

**Maulana Zafar Ali Khan :** Will the Secretary for the Department of Education, Health and Lands be pleased to make a full statement in regard to the furious, sanguinary riots that have broken out in Burma and caused immense loss of life and property, with special reference to the number of casualties and approximate loss in property sustained by the Indians and the measures taken by the Government of India to protect its nationals ?

**Sir Girja Shankar Bajpai :** Sir, with your permission, I shall answer the three questions together. First as to the origin of these riots and the present situation, on the afternoon of the 26th July, a mass meeting of Pongyis and laymen was held at the Shwedagon Pagoda to protest against certain remarks in a book written by a Burmese Muslim which offended Buddhists. After the meeting a procession took place and there was a clash with the police and disorder spread through various quarters of the town. Troops arrived quickly on the scene and also additional police and by 4 A.M. on the 27th morning the city appeared to be almost

normal. A notification proscribing the book was issued on the 27th morning. The Muslim community had already on the 24th July expressed regret at the publication and dissociated itself from the sentiments contained in the book. About 9 A.M. on the 28th, as a result of rumours of an assault on Pongyis by three Indians, rioting broke out afresh in all quarters of the city. Orders were issued by the District Magistrate to all the newspapers forbidding the publication of anything likely to excite communal feeling and prohibiting the assembly of more than five persons. The police were reinforced by troops and armoured cars and the detachments of the frontier force. The situation remained disturbed throughout the night of 28th—29th and there was considerable looting and assaults in all areas. Further reinforcements of the troops and frontier force arrived. Evacuations were carried out on the 29th July where possible of any Burmans or Indians from places where they were insecure. On the 30th of July the situation had definitely improved and communal tension had eased. All open looting and assault had been ended and further evacuations were vigorously undertaken. Markets were opened and conservancy arrangements restored. A joint appeal for peace and reconciliation has been issued by leaders of the Burmese and Indian communities endorsed by Sanghas and younger Pongyis. The improvement has continued steadily and conditions are now practically normal. There were reports of isolated cases of looting and assault on the borders of Rangoon on the 29th July, and the police were reinforced. On the night of the 30th July, trouble broke out in Mandalay on account of this same book when there was serious rioting accompanied by looting and assault. The situation was always kept well in hand. Orders under section 144 prohibiting meetings of more than five persons were issued on the 31st morning. 135 persons were arrested on the same day. There was distinct improvement by the 2nd August when trams were running and shops re-opened. This improvement has continued up to date. There were disturbances on the 30th July, and on subsequent dates in places in Shwebo, Magwe, Pakokku, Myingyan, Yamething, Tungoo, Prome, Tharrawaddy, Pegu, Insein, Hanthawaddy, Myaungmya, Pyanpon and Henzada districts. Additional forces were sent where necessary. The position in the districts at present is definitely much improved though in one or two districts tension still exists.

With regard to parts (c) and (d) of Mr. Satyamurti's question, accurate figures of casualties among Burmans and non-Burmans for the whole country are not yet available ; nor can an estimate of the extent of the loss of property yet be made. There is no destitution among Indians in Rangoon and none has been reported from the districts.

(f) Honourable Members will appreciate that the restoration of friendly relations between the Indian and Burman communities in Burma is primarily a matter for the communities themselves, aided by the efforts of their leaders and the Government of Burma. The House may, however, rest assured that the Government of India will continue to watch the future with care and take any action that may appear desirable to them to restore friendly relations between Indians and Burmans.

**Mr. S. Satyamurti :** May I ask whether the Government of Burma have been actively co-operating with the Government of India in seeing to the restoration of normal relations between Indians and Burmans there ?

**Sir Girja Shankar Bajpai :** The position is this that so far as the Government of India are aware, the Government of Burma have done at every stage everything possible to deal with the situation in an effective and impartial manner.

**Mr. S. Satyamurti :** May I know what are the one or two districts to which my Honourable friend referred in which tension still exists, and whether Government are getting reports daily from their Agent in Burma with regard to the position in those districts in which tension still exists ?

**Sir Girja Shankar Bajpai :** I believe, Sir, that the two districts where tension still exists are Tharrawaddy and Henzada. They were prominent, if my Honourable friends will remember, in the rebellion of 1930-31 also, but I gather that the situation there is well in hand. As regards the Agent, my Honourable friend perhaps does not realise that he has not yet gone to Burma.

**Maulana Zafar Ali Khan :** May I ask whether it is a fact that hundreds of Indians not only from Rangoon but from the interior of Burma have left the country knowing positive that their honour and religion and culture and property are not safe, and five hundred of such people have landed recently in Madras ? What action do Government propose to take with regard to protecting the interest of these five hundred or thousand people ?

**Sir Girja Shankar Bajpai :** Sir, I have not seen any report to the effect that 500 Indians have returned from Burma to Madras.

**Maulana Zafar Ali Khan :** It appeared in the papers.

**Sir Girja Shankar Bajpai :** It is quite possible, but I am giving the information which I have from the Government of Burma ; I would rather base myself on official information than on press reports. It is quite possible that considering the rioting that happened some people more timid than others caught fright and came away to seek safety in India. But my Honourable friend may rest assured that the Government of Burma will themselves, as soon as order is restored, take up the question of what measures are necessary to prevent a recurrence of these unfortunate incidents in future.

**Maulana Zafar Ali Khan :** We know that Government have to bow down to the majority, and 95 per cent. of the inhabitants are Burmans and five per cent. are Indians. The question is not a religious one. The question is a political one, and a large majority of the Burma nationalists look upon these Indians as undesirables and would like to possess their property. That is the fact. Under these circumstances, do the Government of India intend to put themselves in communication with the Government of Burma and call upon them to look at this question from that point of view ?

**Sir Girja Shankar Bajpai :** My Honourable friend has suggested that on this occasion also the real motive behind the rioting is economic. According to such information as we have from the Government of Burma, that is not so. I would like my Honourable friend to appreciate the fact that, although, as he says, the present Government of Burma are a responsible Government and are responsible to the majority of the



people of Burma who again are Burmans, they have not hesitated to arrest in very large numbers their own people. That really bears out what I said, namely, that they have dealt with the situation both effectively and impartially.

**Maulana Zafar Ali Khan :** Are the Government of India prepared to see to it that those people who have suffered will receive compensation ?

**Sir Girja Shankar Bajpai :** We have already put ourselves in communication with the Government of Burma to enquire as to what action they propose to take after peace has been restored....

**Maulana Zafar Ali Khan :** Compensation included ?

**Sir Girja Shankar Bajpai :** ....after peace has been restored, to deal with legitimate claims for compensation. We have not yet had an answer to that.

**Mr. S. Satyamurti :** In view of the fact that there is no Agent in Rangoon—I am obliged to my Honourable friend for correcting me on that matter—may I know whether Government have taken or will take any steps immediately to see that there is somebody there responsible to the Government of India to watch Indian interests ?

**Sir Girja Shankar Bajpai :** As a matter of fact, the Agent will be proceeding in the course of this month to Burma in order to take up his duties. I would like now to make it clear to the House that if that Agent can in any way assist the Government of Burma in the task of appeasement he will certainly be happy to do so.

**Mr. Manu Subedar :** It has been reported to me through business correspondence that there was no adequate police force at various stages of the disturbance in and near Rangoon, in the industrial area ?

**Sir Girja Shankar Bajpai :** From what I have read out to the House it will be clear that the Government of Burma did their utmost to have sufficient forces available at different threatened places. But whether at a particular time or at a particular place there was an inadequacy of police force I cannot say.

**Mr. Manu Subedar :** In view of the fact that I have it definitely in writing from responsible persons who have written to me that at certain stages when they approached the police in order to save the lives of the factory men and workers and the property of the factory there was no adequate police, will the Honourable Member take up with the Government of Burma this question of adequacy of police in case of disturbances ?

**Sir Girja Shankar Bajpai :** If the Honourable Member will be good enough to let me have the particulars which he says he has in his possession I shall see what action the Government of India can suitably take.

**Mr. Abdul Qaiyum :** Were any troops sent out to Burma from India as soon as the trouble started ?

**Sir Girja Shankar Bajpai :** No troops have been sent out from India because the forces in Burma were quite adequate.

**Maulvi Abdur Rasheed Chaudhury** : Were there any Indian troops in Burma to protect the lives of the Indians there ?

**Sir Girja Shankar Bajpai** : Burma is a separate country and I do not see how Indian troops can be maintained there for the protection of Indian lives.

**Sardar Mangal Singh** : May I know how many Indians have been arrested in the cases arising out of these riots ?

**Sir Girja Shankar Bajpai** : I shall have to get particulars regarding that from the Government of Burma.

**Mr. M. Ananthasayanam Ayyangar** : May I know why, if a Burmese Muslim was responsible for the book, Indians got into trouble ?

**Sir Girja Shankar Bajpai** : That is a question which ought to be addressed to the rioters.

### MOTIONS FOR ADJOURNMENT.

#### SITUATION IN WAZIRISTAN.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The House will remember that the Honourable Member, Mr. Abdul Qaiyum, sought to move a motion for an adjournment of the business of the Assembly the other day with reference to the situation in Waziristan and he was asked whether he had obtained the consent of the Governor General which was necessary under the rules. I believe he has applied since then and I am informed that the consent has been withheld.

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : May I say something ?

**Mr. President** (The Honourable Sir Abdur Rahim) : No.

#### SIR PHILIP CHETWODE'S REFLECTIONS ON INDIAN OFFICERS IN THE INDIAN ARMY.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received a notice of motion from Mr. Asaf Ali to the effect that he proposes "to move the adjournment of the business of the Assembly for the purpose of discussing a definite and specific matter of urgent public importance of recent occurrence namely, that the Defence Secretary declined in reply to question No. 98, on the 10th August, 1938, to dissociate the Government of India from Sir Philip Chetwode's sweeping and public remark that 'the Indians who are now taking the King's Commission are not of the right class', which is a very serious reflection on the Indian Officers who are serving in the Indian Army". This motion has been disallowed by the Governor General.

**Mr. M. Asaf Ali** (Delhi : General) : I shall wait till Monday when Mr. Ogilvie's Bill comes up.

#### GOVERNMENT'S REFUSAL TO ANSWER CERTAIN QUESTIONS.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The next motion is in the name of Mr. Satyamurti. He raises the same question which has repeatedly been discussed and on which I have given a ruling before.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : I submit that this is a question which has not been ruled on by you, Sir. It is not a question of matters under consultation between the Governor General and the Members of the Executive Council, nor am I raising the question of the right of even this Government to say with regard to any question that it refuses to answer on the ground of public interest,—that public interest would be adversely affected if answered. If it were a responsible Government, we can kick it out ; but still they sit there and enjoy the privileges of that Government and say that they cannot answer. The point I am raising is not the right of Government to say with regard to any particular question that they cannot answer because they consider that their answering it is against the public interest, but I am raising the other point that both the Honourable the Leader of the House and the Honourable the Finance Member advanced, in the course of supplementaries on matters which are under correspondence between the Government of India and the Secretary of State, or between the Government of India and the Local Governments, namely, a new theory, that ordinarily they will not answer questions even on matters of fact in respect of those matters of correspondence, as a matter of general policy.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member will find that I have given a ruling on that point in 1935.

**Mr. S. Satyamurti** : I am sorry I did not look up that ruling. If my point is covered by that ruling then I am out of court. Is there a ruling on this specific matter ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes, in 1935. Page 1801. I will read it out.

*“ The Honourable Sir Joseph Blore : (c) The normal practice is not to disclose the nature of communications which have passed between the Secretary of State and the Government of India. As a special case, I am giving a categorical reply on this particular occasion. The answer is in the negative. ”*

**Mr. S. Satyamurti** : May I take it that the Government of India were consulted by the Secretary of State, before he made the statement in the House of Commons saying that the result of the vote is *nil* ?

**The Honourable Sir Joseph Blore** : I must adhere to the procedure which I have just now indicated, namely, not to disclose what has passed between the Secretary of State and the Government of India.”

Then, I ruled :

*“ The Chair thinks that question was raised before. It is quite open to Honourable Members to put questions as regards the communications that have passed between the Government of India and the Secretary of State, but at the same time, the Chair thinks, the Governor General has authority to disallow any information being given which he considers to be detrimental to public interest, and when Honourable Members, sitting on the Treasury Benches, representing the Government of India, refuse to disclose any communication that has passed, it is to be presumed that they do so on grounds that it will be detrimental to public interest to disclose any such information. ”*

**Mr. Satyamurti** raised certain points and the Chair then said :

*“ The Chair has already given its ruling, and, if necessary, it will reconsider the matter. But the Chair does not think that it has been ever the practice to compel Members of Government to disclose information which they consider to be detrimental to public interest. ”*

I have also ruled that no adjournment motion lies on the refusal of Government to answer any question.

**Mr. S. Satyamurti** : If I may say so respectfully, that was in regard to a particular question.

**Mr. President** (The Honourable Sir Abdur Rahim) : This practice has been laid down from 1935 : I know it has been going on all the time.

**Mr. S. Satyamurti** : But let us censure them.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member knows that it is not an urgent matter.

**Mr. S. Satyamurti** : It is urgent, Sir, if you will kindly look at the answers to the supplementary questions : the Government claim that as a matter of right they will not ordinarily answer such questions : that is what I want to censure them for : with regard to a particular question it is perfectly open to any Government Member to say : " I will not answer this because I consider that public interest will be adversely affected ". That is not the matter that I want to censure them for.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member ought to have done that in 1935.

**Mr. S. Satyamurti** : You will remember, Sir, that in giving your ruling you said that if necessary you will reconsider your decision. Rule 9 is there, and it lays down specifically that even in matters of policy questions can be asked and answered as regards the facts. I was hoping that, in view of the broad hints of the Chair the Government would answer such questions : even you, Sir, had said that it is for them to answer or not and I was hoping that they would mend their ways. But they have now gone to the extent of claiming as a right that they will not ordinarily answer questions of this kind. I submit that this is a recent matter that came up only in the course of the answers on the 9th and the 10th. The Honourable Sir James Grigg has now started a new theory that even as regards Local Governments they will follow the same policy and no question will be answered. It seems to me that a practice of this kind ought not to be allowed to develop. They should not be allowed to claim the privilege of disobeying Rule 9. They must in each case claim that public interests would be adversely affected if a question was answered. That is the matter on which I want your ruling.

**Mr. President** (The Honourable Sir Abdur Rahim) : I think this matter is concluded by previous rulings. It has already been ruled by the Chair and it is also the practice in Parliament that if any Member of the Government refuses to answer a particular question on the ground that the answering of such question is not in the public interest or rather will be detrimental to the public interest, no motion for adjournment can lie.....

**Mr. S. Satyamurti** : That is not the point.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then, Mr. Satyamurti says that the Honourable Leader of the House, Sir Muhammad Zafrullah Khan, on the 9th instant, in answer to certain questions, said :

" The normal practice is that when communications pass between the Secretary of State and the Government of India, not to disclose any such information or to give any information on the subject at all."

Now, that was the very position that was taken up by Sir Joseph Bhore in 1935, when the question was started by Mr. Satyamurti himself (Volume II, 1935, at page 1801). To the best of my recollection I have always noticed that Government in certain cases refused to disclose the nature of any communication that has passed between the Secretary of State and the Government of India or even to say whether they were consulted or not. As I have pointed out on the 9th, it is a matter which it is impossible for the Chair to pronounce any opinion on, whether in a particular case the Government is or is not justified in saying that they will not give any information whether they were consulted by the Secretary of State or the Local Government in any particular matter, much less to disclose the nature of the communications. I must lay down again that this matter is entirely concluded by the previous rulings here and the rulings in Parliament as well as the practice that has grown up in this country.

I think that is the last motion.

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**MOTION *RE* REPORT BY THE HONOURABLE SIR JOHN THOM  
ON THE CAUSE OF THE RAILWAY ACCIDENT NEAR  
BIHTA.**

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the House that as regards the motion that stands in the name of the Honourable Mr. Clow, I have consulted the Leaders of Parties and the Government as regards the point whether there should be a time-limit for speeches or not : and the Leaders of Parties whom I have consulted propose that the Honourable Mr. Clow when moving his motion will have 20 minutes, and 15 minutes will be allowed to other speakers. Mr. Clow will have 30 minutes for replying to the debate. May I take it that this proposal will suit the convenience of Honourable Members generally ?

**Honourable Members** : Yes.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then that arrangement will be followed.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : Sir, I move :

“ That the Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta on the East Indian Railway on the 17th July, 1937, be taken into consideration.”

I shall assume that Honourable Members have read and pondered over Sir John Thom's report and shall not attempt any summary of it. I think I can most usefully serve the House if I devote the time at my disposal to dealing with the practical issues which that Report raises and to giving an account of the measures which we are taking or intend to take on the report. But before entering on that I would like just to make one observation which I hope will appeal to all Members of the House. I am sure that whatever differences we may have regarding the difficult matters that this Report raises, there is one point on which we shall all be at one, and that is in our regret at this deplorable accident and our sympathy with those who have suffered by it. Some of us have known personally something of the sorrow that a fatal railway accident can bring, and when an accident occurs on this scale, I am sure we all realise that it must have darkened permanently many homes.

[Mr. A. G. Clow.]

I propose to deal first with the single recommendation that Sir John Thom has made. Honourable Members will find that in paragraph 182 of the Report. As the House is already aware, steps have been taken to constitute a committee which will be charged among other things with the duty of carrying out the inquiry which the learned Chief Justice suggested. The personnel of the Committee and the terms of reference to it have already been published ; and as Honourable Members will realise the terms cover a somewhat wider field than Sir John Thom suggested. We felt that it was of the utmost importance that we should get the best expert advice we could on this question, but having been fortunate in collecting a number of eminent experts, we felt that it was desirable to get the benefit of their experience and knowledge on a wider issue, and we have asked them to report not merely on the XB engines, but on the other two somewhat similar types of passenger broad gauge engines known as XA and XC engines. And we have also felt it desirable that the inquiry should not look merely to the past, but also to the future. It is very important from the point of view of the Railways that they should get the best use of these engines they can, consistently with the public safety, and that for this purpose they should have the best expert advice that we could secure.

I might perhaps allude in passing to some criticisms I have noticed in one or two quarters regarding the composition of the Committee. No one has questioned the eminence of the gentlemen who have agreed to serve. It is a Committee, I think, extraordinarily well qualified for the task entrusted to it. The criticism arises rather from the fact that four out of the five members come from abroad. Now, so far as criticisms outside the House are concerned, I am afraid they are founded in part on what, in an article I saw last week alluding to her own country, Madame Chiang Kai-shek described as the "old scorn of foreign technical help", but I recognise that Members inside the House may have had doubts on the ground that there may be railway experts in India itself capable of giving us the advice we need. On that point I would only say this. I think we could have got some good technical advice from some experienced officers of our Railways,—I have in mind particularly those who have been engaged in the design of the engines and also from civil engineers on the Railways. But I would ask the House to remember that this is a matter in which the policy of the Railway Board itself is likely to come under review, and I am quite sure that if we had selected a certain number of railway officials, European or Indian, however capable they were, the House would have been the first to tell us that we were not carrying out Sir John Thom's intentions. His recommendation was for "a thorough, searching and independent inquiry". An inquiry by subordinates of the Railway Board could not possibly have been regarded as independent, quite apart from any difficulty that such officers might have felt in commenting on the Railway Board's policy. I may say that we have been, I think, very fortunate in securing one gentleman who, in addition to having the high qualification of a Chief Engineer on a Railway, holds a uniquely independent position as a Member of the Federal Public Service Commission.

I turn now to the question of speed. After the publication of the Report, instructions were issued regarding speed restrictions, and the House was given, I think, some particulars of that by Sir Thomas Stewart

last Session. I would only refer here briefly to the main results. An absolute maximum of 45 miles per hour has been imposed on all the X class passenger engines on the East Indian, Eastern Bengal, and the Great Indian Peninsula Railways. This has involved the withdrawal of XBs from mail and express services on two of these railways; there are no XBs on the third. Other railways were directed to secure the imposition of a similar absolute maximum where any distortion had recently occurred. Actually restrictions have gone further than that, particularly on the Madras and Southern Mahratta and South Indian Railways. Now, the result of all this has been a considerable slowing up on some lines, especially on the East Indian Railway. We have received a considerable number of complaints on that score. I received only last week from a gentleman, who apparently did not realise that you cannot slow down fast trains without interfering with all the other traffic, the following suggestion :

“ It is hopeless even in this modern age the East Indian Railway cannot maintain their speed which proves the whole of the administrative staff are inefficient and not worth while to be retained in the public service which is a mere waste of public funds.”

I am prepared to admit that in some cases restrictions may have gone further than is necessary. I am thinking particularly of the Madras and Southern Mahratta Railway where my own view, which is shared by the Agent, is that the restrictions imposed are hardly warranted by the experience of that railway itself, where these XB engines have run smoothly and efficiently. But I think the majority of the House will agree that at the present juncture and before the Committee comes out it is better that we should err on the safe side, if we are going to err at all, and I have great hopes that the advice of the technical Committee will show us in what manner and in what circumstances restrictions can possibly be relaxed.

I turn now to the question of the improvement of the engines. Although from the time since the XA, XB and XC engines were introduced up to the Bihta accident, they had covered 90 million miles without the loss of a single passenger's life, yet their running, and particularly that of the XB type, on some of the Railways, had, as the Report shows, never been satisfactory and the Standards Office here was never satisfied that it could not be improved. I do not propose to go into details, but merely to refer to a certain amount of work both before and after the accident done in the endeavours to secure an improvement. As far back as 1931, instructions were issued to try out friction liners on the bogie pivots. That has a damping effect, I might explain, and that was about the time when this material for this purpose was first developed. Other improvements such as the setting back of the two hind wheels—the trailing wheels—were carried out on various engines. In 1936, instructions were issued for the experimental use of friction liners more extensively. Unfortunately, the Bihta accident occurred before the value of these alterations could be assessed. It is one of the ironies of fate that only a few days before the accident an officer had been instructed to go down to the Dinapore Division, where the accident actually occurred, and to record the extent of the lateral forces exercised by locomotives on the track.

Since then an extensive series of experiments has been conducted. It will be for the Technical Committee to assess the results of these : I can only say that, so far as I am in a position to judge, the experiments with

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damping devices have given somewhat encouraging results. One interesting result which is not entirely novel has been obtained by the use of an electrical recording device which has been devised in the Standards Office for recording the movements of locomotives and the lateral forces on the track. This has shown that hunting may start repeatedly at a particular point in the track where the engineers have failed to find any defect. These graphs which are in the Standards Office are extraordinarily interesting, and if any Honourable Members are sufficiently interested and want to see them, facilities will be given. What such railway engineers as I have been able to consult appear to be agreed on is that there can be defects in a track which one cannot find on ocular inspection but which may be sufficiently serious to start a strong hunting movement. For example, I have been given particulars of an experiment a few years ago on the Bombay, Baroda and Central India Railway where they found that an engine started hunting every time it was put on a particular track. In spite of attaching a splashing device, the engineers could not find anything wrong with the track, but they re-opened it and re-packed it, and the engine went over smoothly. I ought to make it clear that I have been referring just now mainly to evidence which was not placed before Sir John Thom. Some of it could not have been laid as it was not available then, but I am not satisfied that the Court was not given all the evidence that it should have been given. It is quite certain that no abnormality was discovered at Bihta, and while Sir John Thom says : " there is general agreement no doubt that there was an element of weakness in the track ", I must remind Honourable Members that his own clear view was that no abnormality existed, whatever view Honourable Members may take on this question, I should also point out that the view taken on this question in no way affects the final conclusion of the learned Chief Justice as to the physical cause of the accident in the final paragraph of his Report, because he does not refer there to the possible origin of the hunting motion. I have referred to it for two reasons, first, because I felt that if there was important evidence of any kind which was not placed before Sir John Thom the House was entitled to know that and secondly, because the question is one of substantial practical importance. One fact that has got to be accounted for is the difference in performance of these engines on different lines. Sir John Thom said that XB engines have all along been a constant source of anxiety to the East Indian Railway. On the other hand, on the Madras and Southern Mahratta Railway, they have given most satisfactory running. I was told when I was in Madras that there was only one case of distortion there and that was on a special train to which two engines had been attached, and as Honourable Members from Madras are aware the engines were, until very recently, running at high speeds and running, so far as I can ascertain, extremely smoothly.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : What is the weight of the track ?

**The Honourable Mr. A. G. Clow** : I do not think that the track was everywhere heavy so far as my recollection goes but I suggest to Honourable Members that it is not merely a question of track. It is a question of the underlying formation. For example, you can lay the finest track in the world over black cotton soil and you are going to have difficulties in the rains. I do not propose now to suggest any conclusion on this very vexed



and very technical question of track and engine. It is a matter quite frankly beyond my competence but it is a question which will come within the purview of the technical committee and I am sure we will all be in a much better position to judge when we have their report.

I come now to the question of the individual responsibility of officers for the accident and here I would like to clear up the position. I have seen some press comments, which have proceeded on the assumption that as a Chief Justice had found that there was negligence, all that remained was to assign the proper punishment. I think those who have taken this line have overlooked both the scope of the inquiry and Sir John Thom's own words. "It is no part of my task to allocate responsibility" he says and, in only one case does he state: "There can be no question regarding the personal negligence of" an individual official. That official is at present on trial and I, therefore, do not propose to refer to the case any further. I have no authority to speak for the learned Chief Justice. I have not the privilege of his acquaintance, but I feel confident that he would be the first to dissociate himself from those who have assumed that no further justification than his observations is needed for the punishment of various officers. The inquiry was not a trial of any officer. It was not concerned with the responsibility of individuals. No charges were framed and no occasion arose for officers to furnish their explanation in response to charges. Actually the process of inquiry into responsibility is now going on and is going to be an extremely difficult one. I see that two of the amendments tabled relate to individual cases and I shall have something to say on these later on but I would only say at present that Government are determined that this question of individual negligence shall be fully pursued.

**Mr. S. Satyamurti :** By whom ?

**The Honourable Mr. A. G. Clow :** I come lastly to the question of compensating those who have, unfortunately, suffered from the accident. Coming to the matter, as I did, with experience of workmen's compensation, I assumed that it was going to be a comparatively easy matter. Unfortunately it is a matter of singular difficulty. We are dealing here not with a series of known workmen and the first difficulty was that of identification. Then there was the tracing of the relatives who are scattered over at least five provinces. Then it was necessary to inquire into the nature of the disablement or the nature of the relief which the individuals claiming had been getting from the victims of the accident and we had to get particulars regarding age, civil condition and other matters. This task has proved to be one of immense difficulty, particularly as the claims office has had to deal with claims arising out of other accidents. We have taken steps on two separate occasions to strengthen the staff and very valuable assistance has been given by officers serving under the Governments of the various provinces. I would like here to acknowledge the ready co-operation that has been given by the Provincial Governments concerned and their officers. It would have been a superhuman task to collect the particulars without their assistance. With the assistance of Provincial Governments, there are working in some centres and will be set up in others Area Committees, consisting of a District Officer, a representative of the public selected by the District Officer and a representative of the railways. These committees will make payments at local treasuries of compensation offered to the claimants who have accepted such offers and desire to be so paid. In

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the event of any offers being disputed, the Committees will examine the railway's assessment and within specified limits will, for good and sufficient cause, be empowered to enhance the offer. If the Area Committee considers that it should be enhanced beyond the powers granted to it, it will make a reference to the railway on the subject. No effort is being spared to secure a speedy settlement. The latest information I have is that in 136 cases, involving 196 casualties, claims for compensation have been received. Offers have been made in 87 cases involving 122 casualties and the compensation offered has been accepted in 36 cases, involving 53 casualties.

I have seen the fear expressed in some quarters that the compensation may not be adequate. What is adequate must always remain, in the absence of an Act like the Workmen's Compensation Act, a matter of opinion, but I myself have examined a small number of cases and consider that the offers are on the whole on a generous scale. In the cases I examined, excluding one which was of a special character, the compensation offered was, on the average, more than double that which would have been due had the case fallen under the Workmen's Compensation Act. I am prepared to assure the House that if any cases are brought to the notice of Government in which the compensation is not substantially higher than that which the Legislature has provided for the dependants of workmen or injured workmen, having full regard to the income derived, we shall have those cases specially examined with a view to seeing whether the administration is justified in going, in those cases, below the scale which it is normally offering.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta on the East Indian Railway on the 17th July, 1937, be taken into consideration.”

I may inform the House that I have received notices of three amendments. What I propose is that all the amendments will be formally moved and then the discussion will proceed on the main Resolution as well as the amendments.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Honourable Members who have amendments on the Order Paper will please move those amendments without any speech for the present.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : I am not moving my amendment No. 1, My Honourable friend, Mr. Santhanam, will move our amendment No. 2.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muham-  
madan Rural) : Sir, I move :

“ That for the original motion the following be substituted :

‘ This Assembly having considered the valuable and weighty Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta and having placed on record its grave concern at the following findings in the Report :

- (a) XB Engines have been failures for the purpose for which they were designed and purchased ;
- (b) in spite of frequent complaints that these Engines had a tendency towards excessive hunting, adequate steps were not taken by the East Indian Railway Administration and the Railway Board to deal with the matter either by removing these engines from fast passenger services or overhauling the design ;
- (c) the East Indian Railway Administration was guilty of negligence ;
- (d) the Chief Mechanical Engineer and his deputy attempted to influence the witnesses ;
- (e) the Chief Operating Superintendent, Mr. Robertson, was allowed to leave the country before the enquiry ;
- (f) the Deputy Controller at Dinapur failed to perform his duty and issue a caution order at Arrah in spite of due warning ;

recommends to the Governor General in Council that these findings be accepted, that prompt and adequate action be taken on them and that a report on the action taken be submitted to this Assembly as soon as possible ; and it further recommends that, as the composition and the terms of reference of the Expert Committee appointed to enquire into the design and purchase of XA, XB and XO engines are not satisfactory, they be settled afresh in consultation with the Leaders of the Parties in this House ’.”

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Motion moved :

“ That for the original motion the following be substituted :

‘ This Assembly having considered the valuable and weighty Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta and having placed on record its grave concern at the following findings in the Report :

- (a) XB Engines have been failures for the purpose for which they were designed and purchased ;
- (b) in spite of frequent complaints that these Engines had a tendency towards excessive hunting, adequate steps were not taken by the East Indian Railway Administration and the Railway Board to deal with the matter either by removing these engines from fast passenger services or overhauling the design ;
- (c) the East Indian Railway Administration was guilty of negligence ;
- (d) the Chief Mechanical Engineer and his deputy attempted to influence the witnesses ;
- (e) the Chief Operating Superintendent, Mr. Robertson, was allowed to leave the country before the enquiry ;
- (f) the Deputy Controller at Dinapur failed to perform his duty and issue a caution order at Arrah in spite of due warning ;

recommends to the Governor General in Council that these findings be accepted, that prompt and adequate action be taken on them and that a report on the action taken be submitted to this Assembly as soon as possible ; and it further recommends that, as the composition and the terms of

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reference of the Expert Committee appointed to enquire into the design and purchase of XA, XB and XC engines are not satisfactory, they be settled afresh in consultation with the Leaders of the Parties in this House'."

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh : Muhammadan Rural) : Sir, I move :

" That for the original motion the following be substituted :

' This Assembly having considered the report of the Honourable Sir John Thom on the cause of the railway accident at Bihta :

- (1) deplores the loss of life involved and offers its sympathy to the relatives of the deceased and to the injured ;
- (2) recommends that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB Engines shall be the subject of a thorough searching and independent enquiry ;
- (3) recommends that full investigation should be made into the individual responsibility of officers for the accident ;
- (4) to take action and adopt all measures for avoiding similar accidents in future.

This Assembly further recommends that the report on the enquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date'."

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Motion moved :

" That for the original motion the following be substituted :

' This Assembly having considered the report of the Honourable Sir John Thom on the cause of the railway accident at Bihta :

- (1) deplores the loss of life involved and offers its sympathy to the relatives of the deceased and to the injured ;
- (2) recommends that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB Engines shall be the subject of a thorough searching and independent enquiry ;
- (3) recommends that full investigation should be made into the individual responsibility of officers for the accident ;
- (4) to take action and adopt all measures for avoiding similar accidents in future.

This Assembly further recommends that the report on the enquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date'."

**Mr. K. Santhanam** : Sir, in moving this Resolution, the Honourable Mr. Clow expressed his great regret at the Bihta disaster and also expressed his sympathy with the persons who suffered in that accident. It is needless to say that every Honourable Member of this House cordially associates himself with those sentiments. If this were an accident which was unfortunately unavoidable, nothing more could be said about it. Accidents are inevitable in this world. But the importance of this debate arises from the fact that Sir John Thom has definitely found that the accident is directly attributable to negligence on the part of the Railway Company. Again, Sir, if this negligence was due to an error of judgment on the part of a railway official, not much

could be said about it. Railway officials like other persons are fallible, and we would have left that matter to be dealt with by departmental action. But anyone who reads the weighty and valuable report of Sir John Thom will be convinced that this accident was due to the general defect of the XB engines. I do not want to use up my limited time by reading out passages from the report. I would refer Honourable Members of this House to paragraphs 69—76, 124 and 161—165 of the report. He has there conclusively established that by the purchase and distribution of such a large number of these XB engines the Railway Board and the Railway Administration had positively contributed to this disaster. If they think there were not more accidents, that was not the fault of the Railway Board or the Railway Administration but it was the good luck of the Indian people. I shall give some more facts to supplement the extensive quotations which are contained in this report itself.

XB engines were designed, as stated by the Honourable Mr. Clow the other day, in 1926-27, by the Central Standards Committee appointed by the Railway Board. Then, Sir, they ordered 30 engines in 1926-27. Was it prudent and was it right on the part of the Railway Board to order such a large number of engines at one time without knowing how they will work in practice and without putting them to any test? They ordered for these 30 engines in 1926-27 and did not even wait for the arrival of these engines before they placed another order. These engines began to arrive in 1928, but before they could get the first instalment and put it to test, they ordered another 24 engines in 1928. I ask was it prudent and was it right that the Railway Board should order another 24 engines in 1928 before they had tested the consignment which they had ordered in 1926-27? Again, they ordered for 26 engines in 1929 and 16 in 1930 without having the experience of 1928 engines. I am giving these experiences from Exhibit No. 172 connected with the proceedings of the Judicial Inquiry Committee. I will read one or two items only :

"January to June, 1928, Engines erected at Lucknow and posted to Jhajha and Gomoh for mail and express services. On 12th May, 1928, XB 1911 first reported for hunting. On 2nd August, 1928, XB 1917, on both dates, reported as having damaged the track. On 6th November, 1928, XB 1917 examined,  $\frac{1}{2}$  inch washers found fitted behind bogie control spring to give increased initial compression. On 31st December, 1928, XB 1917 tested. Engine ran very steadily except on certain parts of the track."

It was found, Sir, that almost from the very day that they were put on the line they began to give trouble and yet they did not wait for their experience. Again, they ordered for two engines in 1935. Thus, in four years' time, from 1926 to 1930, they had ordered for 97 engines. In passing, I may refer to the financial consequences. There are today 99 XB engines, each one of which is estimated to cost Rs. 1,05,000 and the inquiry is estimated to cost as much as the price of another XB engine. So, in round figures, we are involved in the cost of 100 XB engines.

Now, Sir, what is the story of these XB engines? Here is a short summary. They arrived in 1928 and the first case of distortion occurred on the 26th June, 1928 and the first accident on 8th February, 1929. They were withdrawn from fast passenger service in 1928-29. This is one phase. I want to emphasise that there are two phases in connection with these engines. The first phase is what I may call the pre-depression phase. At that time, persons in charge of the Indian railways did not

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think that they could spend too much. Between 1924-25 and 1931-32 the capital at charge increased from 635 crores to 790 crores, that is, 155 crores, and the interest charges rose from 23 crores to 31.5 crores, or 8.5 crores. There was an increased mileage of 4,260 miles, the construction and purchase of which cost about 40 crores. Thus, about 115 crores was spent right and left in those seven years which included the extravagance on the rolling stock, of which these XB engines took about one crore and odd. Sir, the point I am trying to make is that the whole cause of this disorder is reckless extravagance, ill-considered extravagance, on the part of the Railway Board in ordering such a large number of engines without testing them and without taking proper time to test them. Once they had got them, they did not know what to do with them. So, they distributed them to the Railway Administration, and they experienced much difficulty with them. But, as I said, the first phase came to an end in 1929, when they withdrew these engines from the fast passenger service. If the depression had not intervened at that time, the Railway Board would have been magnanimous and would have admitted that they committed a huge blunder and that they must design some other type of engine. But the depression had set in and they did not have the money. They were unable to go in for a new design for a large number of engines. Therefore, they decided to make the best of these engines and these engines were re-introduced in April, 1931. Of course, at that time the engineers of the Railway Board and the engineers of the Railway Administration claimed that they had made several improvements, but, unfortunately, trouble started from the very day they were put on the track. There was an accident on the 23rd October, 1933 and there were two cases of distortion in January, 1934. They were again withdrawn in January, 1934 and the speed-limit of 45 miles was fixed in certain cases. Now, Sir, having regard to all these facts, can anyone refuse to admit that the ultimate cause of the Bihta disaster is the refusal of the Railway Board and the Railway engineers to recognise frankly the mechanical defects in the design of the XB engines and their persistence to put them on this service? There is, of course, the finding that the driver drove at a speed higher than 45 miles but the Honourable Judge has pointed out that the engine was attached to a train the booked speed of which was over 45 miles, that he was expected to run to time, that there was no speed governor and in the circumstances he did only what he was expected to do. Again, it might be said that this particular engine ought not to have been attached to that particular train. But, here again, the Honourable Judge has pointed out that there was no other engine in the shed and that the foreman could not but send this engine unless he wanted to stop the train altogether. He was not at fault. There is, again, the suggestion that in framing the time-tables, the operating staff and the other sections of the East Indian Railway Administration did not take due care. It might be so, but we should also sympathise with their difficulties. What are they to do if 38 of the engines which were bought to run the fast passenger service were withdrawn altogether suddenly? It was a very difficult proposition for them and, I believe, on further inquiry it would turn out that they did their very best. Therefore, the primary and the main responsibility for this disaster is on those people who designed these XB engines and who did not care to put them to sufficient test. In the second place, the responsibility lies with the Railway Administration which did

not have the courage to protest against this imposition by the Railway Board of these engines on the railways without due consideration of their experiences.

Now, Sir, it is said that is the chief reason why they have appointed this expert Inquiry Committee. Sir, a Bihta disaster was required to move the Government of India to investigate a matter which had been brought to their notice in innumerable complaints. In fact, the Honourable Judge has said that one of the Divisional Superintendents had admitted in evidence that they wished these engines were dead and buried. Another person said that this design was wholly faulty and this was the opinion of many other engineers of the railways. We are told now that they have secured the services of very competent men.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member has one minute more.

**Mr. K. Santhanam :** I have no desire to question the competency of any particular individual. But, after all, these engines were designed by British experts in India and they were approved by the consulting engineers in Great Britain, and these British experts who have now been appointed belong to the same caste. We are taking three British experts from Great Britain, to judge their own men who designed the engine and those who were their Consulting Engineers. They may be individually good men but how can we expect them to judge unfavourably the work of their own experts ? They have been trained in the same school ; they have got the same prejudices and work on the same formulæ. Can you reasonably expect that they will be able to come to a proper judgment ? It is not a question of conscious effort to shirk the truth but it is ordinary human nature not to be able to perceive it. It would be more or less an impossibility, owing to their sub-conscious prejudices, to arrive at the right conclusion. I have been told by one of the experts in the Government of India that the only country where the track conditions are more or less similar to this country is the United States of America. It seems that that expert advised the Government of India to bring an expert from America. If the Government of India wanted really a searching and thorough and impartial enquiry, they should have got an American expert. He might be aided by a French expert and then we could have had some of the junior Indian Engineers who would know the Indian conditions and would be useful in the course of the enquiry. An engine is not a thing which can be investigated in two or three months time so as to be able to give a comprehensive report. It has to be watched for many years. Slowly but surely improvements will have to be effected in the engines so that you might get after experiment a perfectly satisfactory engine. You should have instituted an enquiry which would be really an impartial one. For this purpose you should have requisitioned the services of experts outside the category of British experts. I submit this enquiry should cover the question of all locomotives used in India. It must include the possibility of manufacture and development of locomotives in India. It is only then we can have a real solution beneficial to the country due to the outcome of Bihta disaster. Otherwise no real good will come out of this enquiry. The Bihta disaster would have been one more disaster to the list of disasters and the enquiry committee report

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would be one more added to the list of useless reports, like the Wedgwood committee report. That is why at the end of my amendment, I suggest :

“ as the composition and the terms of reference of the expert committee appointed to enquire into the design and purchase of XA, XB and XC engines are not satisfactory, they be settled afresh in consultation with the Leaders of the parties in this House.”

If this is not done, the Government will be only adding to the burden of the taxpayer in addition to the compensation which they have had to pay to the victims of the Bihta disaster.

**Sir Abdul Halim Ghuznavi :** Mr. Deputy President, we have heard this morning from the Honourable Mr. Clow what action the Government have taken with regard to the report of the Honourable Sir John Thom. He has told us that definite action has been taken with regard to the Honourable the Chief Justice's recommendation for the appointment of an expert committee to go into the whole matter of XB and other similar engines: their purchase and their continued purchase and use in future. Sir, it is clear from the report that XB engines were found most unsatisfactory. It is also clear that from the very start in 1928 when the first batch of XB engines arrived in India, they began to give trouble. I would not go into those details since an expert committee has been appointed to go into the matter fully. Let us await its report before we discuss why its purchase was ever made and why its purchase was continued and why, in spite of reports after reports that the engines were not giving satisfaction, they were still continued to be put on fast trains. Since a committee has been appointed, I think it will be only fair to postpone our judgment till we get the findings of the committee in that connection.

I wish to say a few words about the judicial enquiry. In 1930, after the Belur accident in Calcutta, I moved a Resolution in this House in which I was supported by my Honourable friends, Dr. Sir Ziauddin Ahmad and Mr. B. Das, who are the only two Members now present who supported me then. The Resolution was to this effect :

“ This Assembly recommends to the Governor General in Council that steps be taken in all cases of railway accidents entailing loss of human life first, to institute a coroner's enquiry, second, to deliver the bodies of the deceased to the relatives concerned as far as practicable, failing that to the different social services or organisations and third, to institute a judicial enquiry by a committee composed of officials and non-officials.”

Sir George Rainy, who was then the Railway Member, gave a very sympathetic reply. But nothing was done until the other day, that is in February, 1938, when a memorandum with regard to that Resolution was placed before the meeting of the Central Advisory Council for Railways. In that memorandum of course they have omitted the other portion of my Resolution, namely, that as regards every railway accident involving loss of human life, there should be a judicial enquiry by a committee composed of officials and non-officials. Time and events have justified my action in 1930. When this Bihta disaster took place I and Dr. Sir Ziauddin Ahmad insisted upon the then Railway Member to have a judicial enquiry. We submitted that unless there was a judicial enquiry, we would go the length of censuring the Government in the House. The result was the institution of the judicial enquiry by the Honourable Chief



Justice Thom. The enquiry has opened up matters which had been a sealed book so far and thrown light on subjects screened from public gaze. My amendment seeks that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB engines shall be the subject of a thorough, searching and independent enquiry. The Government have now appointed a committee. The Indian opinion was that the Government should associate an Indian with the enquiry and the Government have acceded to that. Speaking for myself, it is a very good committee. When that committee submits its report, we shall then discuss it and pronounce our judgment as to the design, the purchase and the continued purchase of XB engines. My amendment further suggests that full investigation should be made into the individual responsibility of officers for the accident. I should like the Honourable Member in his reply to this debate to let me know if he is going to have this investigation made and if so, he will kindly also tell the House the authority that is going to make this investigation.

**Mr. S. Satyamurti :** The Government have said that they are going to do that.

**Sir Abdul Halim Ghuznavi :** Who is the officer who is going to do that ?

**Mr. S. Satyamurti :** I asked him, but he did not say.

**Sir Abdul Halim Ghuznavi :** In my amendment, I further recommend that the report on the enquiries that may be made and actions that may be taken in consequence thereof should be placed before this Honourable House for consideration. I should like to know from the Honourable Member whether he is prepared to do that. The report has made it clear that the defective character of the XB engines run at a high speed in contravention of rules was responsible for the accident and the Operating Department of the East Indian Railway was culpably negligent in this connection. Mr. Robertson, according to the Report, had been repeatedly informing the Divisional Superintendents and others concerned that trains must be run as fast as possible and that it will be a crime for the drivers if they do not run to time or if they do not make up the lost time. Therefore, the drivers had often to run the trains at excessive speed with a view to keep to the scheduled timings. The accident would not have happened if the speed limit had been restricted to 45 miles an hour. It has been proved before the Honourable the Chief Justice that the train was running very very fast on that day. That was responsible for the disaster. Yet that very officer, Mr. Robertson, was allowed to go on leave preparatory to retirement pending this enquiry. Most of the blame is laid on Mr. Robertson but he is not forthcoming.

**An Honourable Member :** Where is he now ?

**Sir Abdul Halim Ghuznavi :** It is said he is enjoying the salubrious air of Switzerland. It could not possibly have happened in any other country but India. But I hope that the arm of law and the arm of Government is long enough to reach him wherever he may be.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : That is what the Satanic Government does.

**Sir Abdul Halim Ghuznavi :** Exactly so. Then there is another point that has been made out and it is this. So far as I am concerned, it is inconceivable to me that an Agent should be responsible for running the railways but the Railway Board will dictate to the Agent that he must have XB engines and not any other engines. The Agent says that he will not have those engines because they are giving him trouble ; they say that he is subordinate to the Railway Board and he must run the engines designed for and given to him ; and still he is made responsible for all the accidents. The Agent of the East Indian Railway has repeatedly said that he would not have these XB engines and in spite of that they were thrust upon him.

**The Honourable Mr. A. G. Clow :** When ?

**Sir Abdul Halim Ghuznavi :** I am telling you. In 1926 the designs and specifications of these fateful engines were made, and in 1928 they, for the first time, imported nine XB engines into this country,—six for the Great Indian Peninsula Railway and three for the East Indian Railway. The Great Indian Peninsula Railway said they did not want them and the East Indian Railway also did not want them. Then 28 engines were further ordered. They were given to the Great Indian Peninsula Railway. As the East Indian Railway wanted engines, were in need of locomotives, this whole lot of 28 XB engines was transferred to the East Indian Railway in spite of their protests and refusal to have them. That answers the Honourable Mr. Clow's question. Then, Sir, the Honourable Mr. Clow said that he had a good long run to Madras and there was no trouble with the XB engines.

**The Honourable Mr. A. G. Clow :** Sir, on a point of personal explanation, I was not basing what I said on the very short run I have had. I was basing it on the experience of the engines over a number of years. I am not competent to pronounce on it personally.

**Sir Abdul Halim Ghuznavi :** The point is this.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member has only two minutes more.

**Sir Abdul Halim Ghuznavi :** I will finish in two minutes. These XB engines, it is said, have not given any trouble in Madras. But is the Honourable Member sure that those engines in use on the Madras and Southern Mahratta Railway are of the same design and specification and that their Chief Mechanical Engineer at home had not altered those original designs and specifications ? Has he any knowledge of that ? Why do the engines there run smoothly and engines here do not ? Has he made any inquiries as regards that ? Let him inquire whether they have the same designs and specifications or whether they were not changed in England by their Chief Mechanical Engineer.

**Mr. Sri Prakasa :** Sir, at the very outset I should like to assure my Honourable friends on all sides of the House that I am not approaching this solemn and serious subject in any spirit of carping criticism. I am human enough to know that with the best will in the world accidents will happen and that “ the best laid plans of mice and men gang aft agley ”.

And, before I proceed, I should like to endorse every word of the tribute that Sir John Thom himself has paid to the East Indian Railway. I read from page 68 :

“ The Company has undoubtedly a good record ; its standard of efficiency has been high. It is clear from the figures which were given by the Agent at the inquiry that millions of passengers every year are carried millions of miles with comparatively little loss of life.”

I and many friends are constantly using the East Indian Railway, and, for our own safety, we must not condemn it too much. Still when a very serious accident happens as happened at Bihta where 107 passengers were killed and 117 injured out of a total of 450 that the ill-fated train carried at the time, and when also there is a feeling that that accident could have been avoided, it becomes one's painful duty to bring the whole situation before the public, not so much with a desire to condemn the past as with the hope that proper steps will be taken to avoid such accidents in the future.

Sir, the organisation that deserves the greatest censure in this connection is more the Government of India than the East Indian Railway. I think the terms of the Government Resolution in Sir John Thom's report are most unhappy. Reading between the lines it is quite clear that Government do not accept the findings of Sir John Thom and the undercurrent of the speech of my Honourable friend opposite seemed at least to me to show that he was of a very different opinion to that of Mr. Justice Thom. If it had been a political case and if any one of us had complained against the findings of even the most ordinary magistrate, we might have been hauled up for contempt of court. But here, the Chief Justice of a High Court comes to certain decisions on an important subject—and it was not he who asked to be put where he was put but it is the Government who put him there—Government are not only not satisfied with the findings but are actually against them.

**The Honourable Mr. A. G. Clow :** Is the Honourable Member referring to the Government Resolution or to my speech ?

**Mr. Sri Prakasa :** The Government Resolution. As I said, it is unhappily worded because it clearly says that they do not admit the charge of negligence. That is finding No. 1. Finding No. 2 is, that the railway is responsible to pay proper compensation to the sufferers. There also the Government resolution says that they are ordering this payment as a special case. Therefore, Government do not recognise the liability of their railways to compensate people who have innocently entrusted their lives to their keeping when they have purchased their tickets and boarded their trains. This is a dangerous matter and it is time that the House gave its verdict against such a thing. I think that the thanks of the House should be conveyed to Mr. Justice Thom for the great care and thought which he gave for months on end over this enquiry.

The first reaction of a railway authority whenever there is a railway accident is to say that there was sabotage. When I suggested that the same thing had been said in this connection, the Honourable Mr. Clow said that that was not so. But on page 2 of this report Mr. Justice Thom clearly says that ‘ at first sabotage was suspected ’. Surely, the suspicion did not come to the mind of the public but only in the minds

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of the railway officials. I myself who am always using that line, happened to travel over the scene of the accident sometime later and some railway official who happened to be in the same compartment told me that they had made a thorough investigation of the place and that there was sabotage without a doubt, whatever Mr. Justice Thom might or might not think at the end of the show. So that, the first inclination is to say that there was sabotage, and that was so in this case also. But the theory was soon given up.

I want to tell the House what the general lay public thinks of these accidents. It attributes them to three causes. One is that very often the speed is more than is proper, regard being had to the circumstances of the country ; secondly, that the track is too weak for the trains ; and thirdly.—and I say this with the greatest amount of hesitation—the general public feels that there is always something fishy about the placing of orders of locomotives and other goods ; and that the three causes combine to create such accidents. It is curious that the suspicions of the public have been more than confirmed by Mr. Justice Thom's report.

As regards speed, I have brought the matter over and over again in the form of questions in this House, and the invariable answer has been that I am wrong in my estimate. I have often felt that, just as we private motorists have very often the speed mania upon us and press the accelerator far more than we ought to, so also the drivers have a desire to run at a greater speed than they should. I do not know, having never driven an engine, whether they press their accelerator with their foot or with their hand. This is not such a matter that the railway authorities can plead ignorance of it. At pages 66 and 67 of Mr. Justice Thom's report, you see a report by Mr. Turner that he is very nervous of the speed at which the trains are being run. He says :

“ . . . I am beginning to get definitely worried, not only in my own mind, but from all sides it is coming at me, that the speed of many trains over this division is somewhat excessive. . . . ” “ . . . I do not wish to be pessimistic, but it does appear to me that we are at least working right up to our factor of safety in our Mail and Express train speeds today on this division at least.”

My friend, Mr. D'Souza, also warned the Railway. You see his letter at page 69 where he points out, as one of the causes of accident, that :

“ The Time Table Branch of your Operating Department for timing the trains in question (is) at a higher speed than was justified having regard to the type of engine that was being used on the sections concerned.”

Therefore, this matter has been brought to the notice of the Railway over and over again. And whether some people like acceleration of the trains or not, I personally think that trains must not be run at a speed that is not safe, because if you go too fast you may never get to the end at all.

Then there is the second question about the track. I have had occasion to say to this House, layman as I am, that the seasons of our country are such that there is constant danger to the railway track as to everything else. Nature in our country is very destructive, and though I know that there are engineers looking after the line all the time, still you cannot fight

nature more than you can. We have heavy rains, we have very cold seasons, we have very hot seasons, and the railway track lies between a temperature of may be from 150 to 32. There are bound to be contractions, there are bound to be difficulties, and the heavy rains in the monsoon season always tend to endanger the mound on which the railway track lies. In fact, if you read this report, you will find that there are instructions on behalf of the Railway Board that in the monsoons the speed should be lessened and particular care should be taken of the track. So that, very often, in the matter of the track, the general feeling of the public is strengthened by what Sir John Thom says in his report. Thirdly, about the purchase of goods. The very fact that Sir John Thom recommends a searching enquiry into the manner of the purchase of these dangerous engines confirms the suspicion that the public has always entertained.

There is one matter which must be confusing to the subordinate railway officials and that is the contradictory nature of instructions that the higher railway authorities give. My Honourable friend, Mr. Santhanam, has referred to the Jhajha shed from which this unfortunate engine came. Mr. Justice Thom says that the shed at that time was very ill-equipped and they had to send up an XB engine to take the No. 13 Up Express knowing full well that that very engine was to bring back this ill-fated train, the 18 Down. There were definite instructions that this engine was not to be attached to any train which was to run over 45 miles an hour. Knowing that the Down Train was scheduled to run at a speed higher than 45 miles an hour, this particular engine was attached to No. 13 Up Express. That is a very serious matter ; and when passengers, innocent as they are, go in these trains, I feel that greater care should be taken of how these engines are used. My Honourable friend, Mr. Santhanam, has already given the history of XB engines, and particularly of XB No. 1916 and there is not much time for me to go in detail into the matter. But I must not close without fulfilling what I feel is the most painful part of my duty, namely, adjudging blame on individual officials.

I think it is a serious matter of which the Railway Board must take proper notice, that Mr. Trimming, the Chief Mechanical Engineer, while the driver of the train was making his statement, should have got up and protested against his use of the word " hunting ", saying that he could not possibly understand what it meant, though in the parlance of the railway that word has been used all the time, and as Mr. Justice Thom goes on to show in great detail, this preliminary protest resulted in vitiating practically the entire testimony that followed not only from him but from other drivers as well and, instead of the word ' hunting ' they afterwards used the words " swaying " and " lurching " which I believe are rather pleasant sensations. Blame must also be put on Mr. Jones who goes to the drivers at the shed and hectors them so that they must not use this word and must not give evidence of this sort or that sort. And here I want to pay a tribute to the drivers concerned who, despite the obvious danger that they ran, gave their evidence truthfully at the enquiry. They are poor men, they stuck to the truth and they deserve the greater praise from us. I will not refer to the Deputy Controller's case, as there is already a case against him. It is clear that if he had only sent on the necessary warning to Arrah this disaster would not have occurred. I know that Mr. Justice Thom himself says that the lurching which the

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previous driver had experienced and about which he had complained to the Control had nothing to do with the accident ; but still if this caution had been sent on there would have been no accident.

Lastly, Sir, I come to Mr. Robertson. He is far away.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member's time is up.

**Mr. Sri Prakasa** : Just half a minute, Sir. He is far away and it may be that our voice will not reach him. The other officers about whom we have spoken are bound to read what we are saying ; and it hurts me as a gentleman to say anything against a man behind his back which he is not likely even to know. But Mr. Robertson's responsibility in this connection is great because it is clear, as you will see at page 52, that he was very very fond of excessive speed, and he was always angry with drivers who would not run as fast as he would like them to run. It may be said to his credit that when he travelled in a train he asked the drivers, despite the obvious danger to himself, to run fast. The only misfortune is that he ran away even faster than the train ! When he himself was responsible for impressing upon the drivers the necessity and the duty of running their trains faster, I feel that it was up to him, despite the permission that the Railway Board has given, despite the little delay in getting his provident fund, despite the little delay in enjoying the beauties of Switzerland and ski-ing perhaps in more senses than one, it was up to him....

**The Honourable Mr. A. G. Clow** : I must ask the Honourable Member what he means by that insinuation when he says : ' in more senses than one ' ?

**Mr. Sri Prakasa** : If I said anything improper I do not want to pursue the matter ; but I thought ski-ing was pronounced as ' she-ing ', and a little joke may be permitted now and then. I know my Honourable friend opposite is very theologically-minded. I know his Christian tendencies....

**The Honourable Mr. A. G. Clow** : I am sorry but the Honourable Member seemed to imply that Mr. Robertson was indulging in some ski-ing practice other than that known as ski-ing, in more senses than one. I would ask him either to withdraw that imputation or explain it.

**Mr. Sri Prakasa** : I mean going over the snows on a sort of sledge which though spelt with ' s ', ' k ', ' i ', is pronounced in English as ' she-ing ' I meant nothing more....

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : It is time that the Honourable Member finished his speech.

**Mr. Sri Prakasa** :....and if my words lead to an interpretation that is not proper, I withdraw it. I have absolutely no objection in saying that, because in fact I have already said, I was sorry to make any complaint much less an insinuation against a person who was far away. But when I see that he was responsible for the safety of the trains, I feel that he should have remained....

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : There is no use pursuing the matter any further and I would request the Honourable Member to conclude his speech.

**Mr. Sri Prakasa** : I will, Sir. I feel that he ought to have remained in this country to give evidence before this inquiry. Mr. Justice Thom says that the operating department was particularly concerned and as he was the head of the department and fond of excessive speed, I cannot help feeling that he should have stopped back. I endorse what Mr. Justice Thom has said that 'it is unfortunate that Mr. T. M. S. Robertson was permitted to leave the country: it is regrettable that he elected to desert his colleagues'. I shall be sorry if I have said anything that in any way might hurt my Honourable friend opposite or any Member of this House; but as 117 of my countrymen were hurt badly and another 107 actually lost their lives, if we are a little sensitive to what has happened and if we speak out in language which perhaps is stronger than might be used, I hope you will agree that we should be excused and that we are justified. I hope that we have heard the last of these accidents; and that this report and the various other incidents that might follow will result in such arrangements being made that there may be no more accidents not only on the East Indian Railway but on any other railway in India.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I join and I am sure that all Members of this House will join with Mr. Clow in extending our sympathy to the bereaved families of the victims of this fateful accident on the railway. At the same time I join with my friend, Mr. Sri Prakasa, in extending our thanks to the great labours of Justice Thom in giving us a most lucid and clear report on that accident. The judicial acumen that he has brought to bear in reaching certain conclusions are more important in more senses than one. He had to deal with a highly technical subject and he had to adjudicate upon the evidence of expert witnesses that appeared before him. We are thankful to him for the independent view that he has taken of the whole matter. I think this is probably the first time when such a mighty department of the Government of India, as the Railway Board undoubtedly is, has come under review by a judicial tribunal. If there is an undertone of dissatisfaction, as stated by my friend the previous speaker, if there is an undertone of dissatisfaction on the finding of this judicial tribunal by the department concerned, it is because it is the first experience of a judicial pronouncement that they have got. They have been dealing with these matters in an executive capacity and when that executive capacity has come under the review of an eminent judge, they feel nervous how their preconceptions have been doomed to failure. I hope that this report will give them a little more insight into the working of the administrative side of their department. The one thing that runs through the report is that on such occasions when a disaster of the magnitude of the Bihta disaster has occurred, one ought to approach this subject with that solemnity and attention which is due to the safety of the passengers who are conveyed on our railways. Instead we find that the persons in charge of the operations of the railway, in that particular section, did not behave with a due sense of responsibility towards this judicial enquiry. And the Honourable Judge was compelled

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to make certain observations which are highly derogatory to the high position of those officers :

[At this stage, Mr. Deputy President (Mr. Akhil Chandra Datta) vacated the chair which was then occupied by Mr. S. Satyamurti (one of the Panel of Chairmen).]

“ In setting up the Judicial Tribunal we were concerned, and probably we are right in saying that we were principally concerned in discovering the real cause that led to the disaster. In order to discover the true causes, it was our duty to place all the facts before the Honourable the Judge in order to enable him to reach certain conclusions which should prove helpful in our future administration of the Railways.”

I am sorry it was not done. However, the Report is before us. At the same time, I want to make it clear that I am not at one with my friend, Mr. Santhanam, when he says that the lack of accidents on our railways is not due to the efficiency of the administration but due to the good luck of the Indians. I do not look at this question from this point of view. I do appreciate that the great organization which is being worked under the supervision of the Railway Board has worked in a very efficient manner, and we can travel over long distances in India without any idea of not reaching safely at the end of our journey, and for this we should be grateful to the administration. Because a certain accident has unfortunately occurred, we should not ignore the many good benefits conferred by the railway administration. But at the same time this accident has brought to our notice the fact that there is still room for improvement, and that improvement we expect from those whom we pay so handsomely from our finances.

Next, Sir, I come to the question of the personnel of the inquiry committee that has been appointed to go into the question of,—to quote the words of Mr. Justice Thom,—‘ in the interests of the public the design and purchase and the continued purchase of these engines should be the subject of a thorough searching and independent inquiry ’. This is a matter which vitally concerns the Railway Board, and there is no doubt that the inquiry should be thorough, searching and independent. Nobody can question the principle underlying this recommendation. But I have not been able to understand why in order to implement this inquiry men have been sent for from England, and why Indians of experience on the railways, some of whom have had experience for over quarter of a century on the railways, have not been selected. When I take up this position, I have my own strong reasons. The Honourable Mr. Clow said that two things were necessary, first was, that the men should be experts and the second was, that they should be men independent of the Railway Board. In the first proposal which was placed before the Standing Finance Committee, three Englishmen were mentioned, and one continental expert. The Railway Finance Committee objected to the importation of further experts from abroad, and partially succeeded in influencing the Government to find at least one expert from among Indians. So the theory that no independent Indian was available in India has been refuted by this very appointment. The Government said that India did not possess experts. But my objection was not confined to expert Indians. My suggestion was that experts in the employment of the Government of India, whether Englishmen or Indians, should be deputed to make this enquiry. I really



have not been able to understand why in so extensive a system as the Railway system of India is, and which employs very highly paid officers, we should not be able to discover experts. The very fact that our Railway system is much more extensive than England or Great Britain can boast of should be sufficient guarantee of the presence of experts in India. If those who are now under the employment of the Government of India or of the Railway Board in India are not experts or are mediocres or men of average ability, I think the best course is to import and employ better men and to let the present men go. Why, Sir, with such a huge establishment in our railways, we cannot find a few experts? The Railway Board, however, does not take their stand on that ground. They take their stand on the ground that such experts would not be independent. This theory of independence again is a theory which cannot stand close examination. All of you gentlemen will remember that there was a very tragic disaster when the Air Minister of His Majesty's Government lost his life in the aeroplane in which he flew. That was a disaster of first magnitude which England had to face. May I ask if England at that time sent for French, German, Russian or American experts to go into the inquiry? They did find men in England itself. After all the inquiry was intended to look into the causes of the disaster and then to recommend what steps should be taken in order to avoid such accidents in future. Could not the experts, if they had been selected from India, have been given freedom by the Railway Board to express their independent opinion? Why would they have been under the thumb of the Railway Board? Here the Government have put themselves in a false position. Government always laid the blame on me when I introduced certain measures by saying I was not trusting their servants, but here the tables have been turned....

**Mr. Chairman** (Mr. S. Satyamurti) : The Honourable Member has only two minutes more.

**Sardar Sant Singh** : Yes, Sir, I will try to finish in two minutes. The Government does not want to trust its own employees, but I want to trust them. There is no reason why experts should be sent for from abroad unless the pool, of which we heard the other day, is to be completed.

The next question is the regrettable state of affairs that have been brought to public notice by this report and that is we are given an insight into this fact that even the Railway Board as early as January, 1938, discovered that there was a lack of co-ordination in the policy and activities of the various administrations under the Railway Board. Public attention was drawn to this lack of co-ordination and yet we found that there was no result in spite of the Railway Board's efforts. I hope that the Railway Board will go into the question of the administration and the reasons which have led to this lack of co-ordination in the activities and policies of the various departments of the railways. As regards the purchase of these engines, I think it has been brought sufficiently to the notice of the House that the Railway administrations concerned have shown criminal negligence in not avoiding this disaster which was avoidable. With these words I will support the amendment proposed by Mr. Santhanam.

**Mr. P. J. Griffiths** (Assam : European) : The amendments proposed by my Honourable friends, Sir Abdul Halim Ghuznavi and Mr. Santhanam,

[Mr. P. J. Griffiths.]

have much in common between them but we have decided to support the amendment of Sir Abdul Halim Ghuznavi because that amendment avoids the undesirable practice of fixing blame on specified individuals when those individuals are not here to defend themselves and yet, at the same time, does insist that a full and searching inquiry shall be made with a view to the ultimate allotment of the responsibility to those individuals upon whom it should properly devolve. In so far as these amendments are concerned with proposals for the future, in so far as they insist that an inquiry shall be made as to the future use of the XB engines we all stand on common ground and I, therefore, propose to exclude that aspect of the case from my remarks and to confine myself entirely to a consideration of the case against the Railway administration. The case against the Railway administration rests broadly speaking on three propositions. The first proposition is that there was general negligence in the handling of the power position and, in particular, in the handling of the XB engines. The second charge is that it was as a result of this negligence, that particular engine XB 1916 was put on to the 18-Down train on the day of the occurrence and the third charge is that the whole attitude of the railway administration, after the accident and during the inquiry, is in many respects found to be most unsatisfactory.

Let me first take the charge of general negligence. I need not remind you of the deplorable history of the XB engines, ever since they were first introduced on the East Indian Railway in 1928. I need not tell you that they were found at the outset to be so unsatisfactory that the engineers sat down to rebalance them and that in spite of their efforts they were unsuccessful; that in February, 1929, an accident occurred as a result of which XB engines had to be taken off fast passenger work and kept off that work for two years. In the meantime, the process of tinkering with a view to improve the engines in this way and that went on and at the end of two years the engines were again restored to use on fast passenger trains. After another two years, in 1933, it had been found that the engines were still proving unsatisfactory. They were still hunting dangerously and they were still producing distortion. If anybody wants tangible proof of the fact, let him take the trouble to read Exhibit 191 on page 282 of Volume IV of the four volumes of evidence, where they will find a most formidable list of the reported cases of distortion due to the use of XB engines on certain kinds of track. In spite of that, the engines continue to be used until there was another accident in 1933 and then, after the usual six months had elapsed, it was decided to withdraw XB engines from the mail service and then, after another six months, an order was passed that from the 1st June, 1934, a speed limit of 45 miles an hour would be imposed on XB engines when they were operating on 88½ pound rails during the monsoon season. So far so good. Up to this point it might have been reasonable to argue that the railway authorities had been vigilant, that they had been trying to take every step to minimise the danger to the public resulting from the use of these somewhat eccentric engines but our complaint of negligence begins at this point and the complaint is that having imposed this very proper and very necessary speed restriction of 45 miles an hour they took no adequate steps to satisfy themselves that that restriction was enforced. When the order imposing the restriction was first issued,

the Agent specifically directed that there should be a revision of the time tables and that the monsoon timings should be so framed as to allow for this new restriction of speed. We find that, in spite of that order, and before the time of the accident last year, under the Link system which was then in force, an XB engine was in regular use upon the 17-Up train which was booked to run at a speed of over 45 miles an hour. I need hardly emphasize the fact that a booked speed of 45 miles or slightly over means in practice that the engine very frequently has to run at speeds very much higher than that and in this connection it is interesting to note that the Senior Government Inspector of Railways has categorically laid down—you will find it in the Report—that an engine fit for a speed of 45 miles an hour has no business to be attached to a train whose booked speed is in excess of 40 miles an hour. In connection with this very same matter, the Agent himself, when inquiring into another accident at the beginning of 1937, declared that there ought to be always a margin of 12 per cent. between the booked speed of a train and the maximum permissible speed of the engine attached to that train. Where was the margin of 12 per cent. in the case of the train 17 Up to which an XB engine was regularly attached? I emphasize this point because the whole justification, the whole reason which led the Assistant Foreman in the Jhajha shed to put this engine XB 1916 on to the ill-fated train was precisely the fact that a similar engine was already in regular use with the knowledge of the authorities, on a train booked at a speed of over 45 miles an hour. If the failure of the authorities to observe this fact does not amount to gross negligence, I, for my part, am ignorant of the meaning of that term. Nor can it be said to be just an unfortunate oversight—that that the office was very busy with something else and that the file was never put up, because between 1934 and 1937, there were a number of incidents to bring forcibly home to the railway authorities the necessity of speed restrictions with particular reference to the XB engines. In the first place, in March, 1936, you had a very emphatic letter written by Mr. Smith, the Divisional Superintendent, Dinapore, in which he said that the drivers of these engines were frightened of them, that the men who were nearly retiring were looking round and trying to find excuses to go home. They realised that the engines were dangerous and they wanted to get away. If that was not enough, in November, six months later, the successor of Mr. Smith wrote another letter to the Chief Operating Superintendent and that letter is of so much importance that I ask your permission to quote a few extracts from it. He says :

“ I am beginning to get definitely worried, not only in my own mind, but from all sides it is coming at me, that the speed of many trains over this division is somewhat excessive, . . . . The coaching stock axle loads and our XB type engines hammering along at the maximum permissible speed usually trying to make up time and over a track on the main line section of 88½ pound rails . . . is not a very reassuring state of affairs.”

He concludes on this note :

“ I do not wish to be pessimistic but it does appear to me that we are at least working right up to our factor of safety in our mail and express train speeds today on this division at least.”

Sir, could you have a clearer and more definite warning from a responsible official to a railway administration that they were neglecting safety in the interests of speed. One would have expected to

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find that this letter would have produced a flutter in the dovecots. I have no knowledge of what happened behind the scenes, but reading through the report—and I have been practically all through the evidence—I cannot find any single statement anywhere which shows that any attention at all was paid to this very startling letter. Is not that gross negligence? What would have happened in an ordinary business firm if the assistant manager had made to the manager a statement as serious as that and the manager had taken no action on it? I venture to suggest that that manager's days with the firm would have been numbered! But, because this happened to be an "administration" which, speaking with all the restraint I can, I must accuse of lack of organization, as far as we can gather from the records no action appears to have been taken on this very damning letter. Of course the railway authorities have an excuse. Speaking as an ex-bureaucrat I know quite well that bureaucrats always produce excuses and the railway administration have an excuse. They say that when the time table conflicts with safety speed restrictions the restrictions prevail and that, therefore, the driver should not have run the 17 Up train so fast. In other words we are solemnly asked to believe that the driver of the 17 Up train, to which an XB engine was regularly attached, should have driven his train late every day and that if he would have done that he would have been patted on the shoulder as being a very good boy. But what are the actual facts? The facts are that a great speed drive was going on just at this time. I am not objecting to that. It is very right and proper to try and assist in meeting the public convenience by running trains punctually but the fact remains that in the sheds at Jhajha, lists were posted showing the number of minutes lost of drivers. Under those circumstances, can the railway authorities expect us to believe that a driver was really intended to slow down his train for safety and get credit for that from day to day? Sir, their own words are in print against them. Their own Divisional Superintendent at Dinapore issued a circular which made it perfectly clear that under normal conditions—and that means when no special engineering operations were taking place—the drivers were expected to keep to the time table and that what is known as the temporary engineering restriction allowance was not available to them throughout the monsoon. Finally, on this point, leaving aside all theoretical considerations, the fact remains that the 17 Up was drawn by an XB engine, ran to time quite often, and on the occasions when it ran to time was exceeding the limits which had been laid down as to speed. I presume speeds are studied somewhere in the railway administration and that it is somebody's job to see which trains are running fast and which trains are running slow. I presume somebody ought to have seen that this particular engine was, day by day, running faster than had been laid down by the Agent himself. Sir, I maintain that the general charge of negligence against the administration has been proved to the hilt. They imposed a speed limit after bitter experience shown it to be necessary, and they utterly failed to enforce that speed limit.

The second specific charge roughly amounts to this. With respect to the engine XB 16, between the 1st July and the 14th July, three separate drivers, each of whom had over a quarter of a century's driving

experience, had booked that engine for bad hunting, and yet no action was taken on those reports except the ordinary routine action of changing the bogey springs. I suggest that there was something radically wrong with the administration. It was known that the XB engine had a dangerous tendency to hunt but no instructions were issued to the shed foremen to the effect that repeated cases of bad hunting of these engines must be brought to the notice of the higher authorities. I submit that this alone, quite apart from the general question of negligence, would be quite enough to convict the railway authorities of negligence. And finally as to the third charge—the charge that the attitude of the railway administration throughout the inquiry was unsatisfactory—it is not necessary for me to dilate on this because it has been dealt with so clearly by Sir John Thom at page 1438 and elsewhere in the printed book of evidence. There he had occasion to remark that throughout the inquiry his orders for the production of documents, registers and books had been consistently trifled with, and anybody who takes the trouble of going through the volume of evidence cannot help coming to the same conclusion. Finally, apart from the question of unwillingness to produce evidence, there was the extraordinary attitude of the railway administration or of some of the railway officials towards the witnesses in this very important case. You have already had quoted to you an incident of a kind which is very rarely allowed to happen in court.....

**Mr. Chairman** (Mr. S. Satyamurti) : The Honourable Member has got only one minute more.

**Mr. P. J. Griffiths** : When one of the witnesses was giving evidence he was interrupted and hectorred by a senior railway official and the Senior Government Inspector himself says that it took him a whole minute to stop the interruption. I submit that on all three counts, *viz.*, the charge of general negligence in handling the XB engines, the charge of specific negligence in handling this XB engine, 1916, on this day, and the charge that the railway administration were concerned not so much in helping the court as in whitewashing what had taken place—I suggest that the administration is found guilty of gross negligence ; and we are entitled to expect that Government will conduct some searching form of inquiry which will enable that negligence, instead of remaining a nebulous and distributed entity, to be brought down as a concrete reality to the actual individuals concerned. Sir, for these reasons we support the motion of my Honourable friend, Sir Abdul Halim Ghuznavi.

**Mr. B. Das** : Sir, it is a matter of great satisfaction that my Honourable friend, Mr. Griffiths, is slowly changing and slowly perceiving the truth that as in the case of an I. C. S. District Magistrate and as in the cases of their manipulated evidence before the High Courts, so in the case of the railway authorities also they are following the footsteps of the heaven-born civil services ; and I cannot blame the Railway Department so much as I blame the higher civil services for setting precedence over it. Sir, my Honourable friend, Mr. Griffiths, made a good speech and he supported wholeheartedly the amendment moved by my friend, Mr. Santhanam, but somehow his heart had a weak spot for his own race, and he wanted to shield the

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very people whom he condemned so much ; so he wants to support the amendment moved by my Honourable friend, Sir Abdul Halim Ghuznavi. On better thought I hope his party will realize the situation and will support the amendment moved by my friend, Mr. Santhanam.

Sir, last year when we were at Simla this time, the whole of Simla was agitated over this Bihta disaster. There were rumours that His Excellency the Viceroy was very anxious to give relief to the unfortunate victims and their dependants of the Bihta disaster. Unfortunately, however, the Railway Board and the Railway Member of the time stood up against it. They stood firm, and the Viceroy and the Governor General in Council could not yield to humanitarian sympathies. And even as my Honourable friend, Mr. Sri Prakasa, has rightly pointed out, the Government Resolution has been worded very badly and most heartlessly in saying that they are showing some favour to the victims and their dependants. It is a callous statement that no humane Government could have issued.

Sir, I wish to analyse the Bihta disaster just from an engineering point of view. Sir, I entirely support, as a Congressman and as a politician, what has been spoken by my friends before. Sir, the Bihta disaster to me is the result of the restless spirit of the age we are living in. Sir, after the War, our European friends sitting there and their representatives demanded more capital expenditure on locomotives and railway expansion. The Government bowed to it. They wanted to purchase more locomotives in England, they wanted more railways to be constructed, and Rs. 150 crores of capital was sunk on these things, to the regret of the present Finance Member. I am glad he is here. What happened then ? There were to be heavier locomotives and there were to be heavy rails and heavier tracks for them. From 75 lbs. rails they went up to 90 lbs. and 115 lbs. rails. They bought heavier locomotives and changed the permanent way. Thus, they spent the money and mismanaged the funds and allowed the railway finance to go into the present abysmal depth where it is now. At that time, the Railway Board suddenly decided that they would have a hand in the design of the railway engines. I am not now trying to condemn the E. I. Railway and their officers, because they stand self-condemned. If I were the Communications Minister, I would have sacked every one of them and started with fresh blood, but he will not have the courage to do it. The Railway Board wanted to have a hand in the design. Sir, we have been hearing up to now about XB engines. I will now refer to XA engines as they were reported by Mr. Badenoch, the then Director of Railway Audit. In his audit report on railways for 1930-31, he talked about the oscillating and hunting habits of these XA engines on the G. I. P. Railway. Notwithstanding his comments and adverse experiences, the Railway Board ordered for 45 XA type engines, with the result that none of them could run satisfactorily. And yet XB and XC engines were ordered. They hunted and they swirled and they were allowed to be used on ordinary local lines. In 1930-31, we cross-examined Sir Guthrie Russell about these engines in the Public Accounts Committee. I will quote from the published evidence :

" Mr. S. C. Mitra : Were these XA types new designs or based on some older designs ?

*Sir Guthrie Russell* : It was absolutely a new design. These locomotives were built for speed up to 40 miles an hour, but they were also thought to be able to do up to 60 miles."

Later on, in answer to a question, *Sir Guthrie Russell* said :

"The G. I. P. was the only railway where they had this trouble with these locomotives and that also only on certain sections."

What happened on the G. I. P. has now happened on the E. I. R., and that too for other types of engines. My Honourable friend, Mr. Clow, defends so much the M. and S. M. Railway, but, Sir, you know that part of the country, and I have also travelled on that line, and I have never seen a train going more than 30 miles an hour, and I do not know how my Honourable friend, Mr. Clow, travelled by a train which ran at 50 or even 60 miles an hour. Then, Sir, later on, I asked *Sir Guthrie Russell* :

• "May I inquire if the Railway Board for the first time took upon themselves the designing of engines at this period ?

*Sir Guthrie Russell* : Yes, but not the railways. The Railway Board at this time started the Standard Office and this is the first time the Railway Board have interfered in the designs. It is not a new sort of design because America has got the same kind of locomotives."

Sir, I ask : why tinker with American designs ? Who asked the Railway Board to squander money and to create a Standards Department ? It is rather surprising that the Standardisation Officer and the Chief Commissioner of Railways belong to the G. I. P. Somehow all these experts come from the G. I. P. Railway. I think even my friend, Mr. Tylden-Pattenson, comes from the G. I. P. Heaven alone knows what beauty the G. I. P. trains have to attract all these experts ! These railway engineers go to America and get hold of a model there and try to tinker with it. Sir, these disasters are more due to the faulty designs and the frequent changing of springs and ordering about the consulting engineer. Either have a consulting engineer in England, or have none. In fact, I will be glad to do away with him. I have always advocated that, but why tinker with the designing especially when you do not know anything about the designing of these engines.

My Honourable friend, Mr. Clow, has narrated the merits of the experts that will be on this Inquiry Committee. I ask him—and it has already been mentioned,—why not get an American expert in the Committee, because the Indian broad gauge is the same as the American broad gauge, but that is not the case with the British gauge and the Continental gauge which is 4 ft. 8 inches. So, the engines that are run in America should be run in India and the engineering practice of America should be the Indian practice. I remember when I was an engineering student at the Sibpur College, I designed railway projects. There were certain railway prejudices, but ultimately we had to follow the American railway practice in our designs. There is very little engineering practice in the English railway that is common to India. But, Sir, I am not quarrelling with my Honourable friend, the Member for Communications, if the Government want to be honest and fair. If Government want a proper inquiry, let them get an American expert. I am not laying stress on an Indian expert because somehow Indians are bugbear to the Government. Sir, my Honourable friend, the Communications Member, is so very new to this Department and is so very

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pious in his attitude of life that I wonder if the Railway Board has placed all the documents and all the facts before him.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Has he inquired into the numerous instances of accidents that have occurred so far on the E. I. Railway? Is it not a fact that the first report of the E. I. R. Administration and the Railway Board was always that these accidents are due to sabotage? Has he tried to find out that in every case, whether it is the Mughalsarai accident, or the Talandoo accident, or the Bihta accident, or the numerous suppressed accidents, it is all due to the use of these heavy engines on light rails and a very light frame-work of the permanent way which makes the track separate and thereby the accidents are caused, and then these wiseacres say that there had been a sabotage. They say that rail was removed or a fish-plate was removed as if the Congressmen in India or the labour agitators in India follow the American practice of removing the rails to loot the train. I want to know from the Railway Member in how many cases it has been proved that there had been real sabotage, when and whether the trains were looted after the removal of the rails? I believe he cannot quote even one instance. At least, during my 15 years' membership of this House, I have never heard of one instance cited by any responsible Member on the Treasury Benches to this effect.

Sir, the Bihta disaster proves one thing. There has been no co-ordination of work in the Railway Administration. Somehow, men of the traffic department become the Agents of Railways and they do not respect the engineers. They do not understand their difficulties and they do not appreciate the human element of the permanent way of the rails and of the engines. They do not realise that even the machines have their individualistic characteristics. They do not understand all these things and they happen to be the speed-fiends. These wiseacres in the Operation Department want to go as fast as they can. They want these trains to travel at 60 or even 80 miles an hour, but unfortunately with these heavy engines and the light permanent ways, the locomotives can never run at that speed. They cannot run even at a speed of 30 or 40 miles an hour, because that gives more trouble and more anxious moments to the drivers and the mechanics who work on these engines. I would like to see all these railway engines scrapped. I would like to see that the enquiry committee should also examine whether, in the standardisation department of the Railway Board, there is any brain left. We all know there is that Mr. Case in the Railway Board who drafted the note on the Federal Railway Authority, who also drafted the Wedgwood Report and who perhaps also drafted the note that has been placed before the Honourable Mr. Clow and who also submitted a technical note before Chief Justice Thom. I felt ashamed to read that note. No Engineer, who holds the position of a Consulting head of the Standards Department in the Railway Board, should have written that note. If the Government of India want to stop accidents, they should stop the extravagance due to the purchase of heavy locomotives, ill designed and badly made locomotives. The



Government should also scrap the Standardisation Department. My Honourable friend says that the Government have already stopped the use of XB engines. Though four crores have been sunk on XB engines, it is better to scrap the whole lot of them in view of the safety of passengers in India. It is better that they use engines which will run with better efficiency and with less fuel cost ; and that will give less trouble to the mechanics, drivers and engineers who work on it.

In conclusion, I submit that the time has come when the railway administration of each railway should be managed by a Board consisting of the Agent and the Chief Mechanical Engineer and the Chief Permanentway Engineer. If the Agent is a man of the Operating Department, then the Chief Mechanical Engineer and the Chief Engineer should form the Board for the administration of the railway so that the Chief Operating Superintendent as the Agent does not rule out the advice of the Engineering staff. All the accidents have been due in the past to the bossing and hectoring attitude of these speed fiends—the Operating Superintendent and his staff. I do hope that my suggestions will be accepted in toto, not only by the Honourable Member for Communications, but also by the Committee that will meet shortly.

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, my object in taking part in this discussion at this stage, when several Honourable Members have dealt with the important aspects involved in this question, is to draw the attention of the House to the necessity of considering the whole question of safety on railways in all its aspects and not allow our attention to be taken up by this particular accident. The Bhita accident is due to the defective nature of the XB engines. The Government of India are appointing a committee to consider what are the defects of these engines, if there are any defects. I feel, Sir, that this enquiry is not enough. God forbid that there should be any more accidents, but if any more accidents take place, the next accident may not be due to the defective nature of the engine. It may be due to the defect in the permanent way or may be due to other causes. I, therefore, feel that we should take advantage of this discussion to insist upon a full and thorough enquiry into the whole question of safety of Indian railways to passengers being made by the Government of India and by this Legislature.

The Indian Railways Act has provided by some of its sections that  
4 P.M.                      the Indian railways shall make provision for the safety  
                                 of passengers. The railways are required to have a  
particular type of permanent way and engines and their inspection.  
The Indian Railways Act has also provided for penalty for remissness  
on the part of Indian railways. I feel that the time has come when  
the Legislature and the Government of India should examine whether  
the requirements as laid down in the Indian Railways Act are enough.  
The Legislature and the Government of India should examine whether  
the powers given to the Inspectors are enough. I feel that the whole  
aspect of this question is very important and the Legislature should  
give special attention to it. We may be told that the Railway Board is  
always anxious and is always considering the question of safety of  
passengers. Although the Railway Board is responsible for the safety  
of passengers on Indian railways, there is also the responsibility of the

[Mr. N. M. Joshi.]

Legislature for the safety of passengers that travel on the railways. I would, therefore, like the Railway Board to convince the Legislature that they are paying special attention to the safety of passengers on the Indian railways. I would, therefore, suggest that a Select Committee of this Legislature should consider the whole aspect of safety of Indian railways. They should examine the Indian Railways Act and its provisions, they should examine also the provisions made by the Railway Board and the Government of India in order to see that the provisions of the Indian Railways Act are enforced in practice. If a Select Committee of this House considers it necessary and I have no doubt they will consider it necessary, they will take the help of experts. If a Select Committee of the House finds that no more provision is necessary for the safety of passengers on the Indian railways, it will express its satisfaction. But if the Select Committee of the House, with the help of experts, comes to the conclusion that the Government of India must make better provision for the safety of passengers, then the Select Committee may recommend that the question of safety of passengers may be considered by an expert committee. But I hope the House will insist that not only the question of defective nature of XB engines but the whole question of the safety of passengers on Indian railways will be considered and investigated. In this connection, I should like to say a word about the Inspectors of Indian railways. The Inspectors of Railways, by the very nature of their duty, are the critics of the Railway Department and as critics they must be independent of the authority which is the final authority in the management of Indian railways. I, therefore, suggest, that the Inspectors of Indian railways should be independent of the Railway Board and the Railway Department of the Government of India. It may be said that the Railway Board themselves are critics and that the Railway Board do not interfere with the work of the safety Inspectors. In the first place, the Railway Board may be critics of the Railway Administration, but I submit the Railway Board are not mere critics. The Railway Board besides being the critics of the different Railway Administration are also the final sanctioning authority and they are responsible for the arrangements made by the different railways as regards safety and other matters. Therefore it is wrong to place the Safety Inspectors under the Railway Board. If they are under the Railway Board then naturally there will be some influence of the Railway Board and there will be some restriction put upon the freedom and independence of the Inspectors. Even if they are not under the Railway Board, I do not want the safety Inspectors to be under the Railway Department either. Even then they will depend upon the influence of the Railway Department which in its turn will depend upon the Railway Board which is also the final sanctioning authority and approving authority of the plans of the Railway Administration. I, therefore, suggest that the safety Inspectors should be placed under some department other than the Railway Department and the Railway Board. Unless that is done, the independence of the Safety Inspectors will not be secured. I am told that these Safety Inspectors are drawn from the ranks of the railwaymen : not only that they are drawn from the ranks of the railwaymen, but that they get promotion in the railway ranks. A Safety Inspector

if he pleases the Railway Board and the Railway Department of the Government of India may be appointed an Agent. I, therefore, feel, that it is wrong that a man whose duty it is to criticise the Railway Department should be under the Railway Board or the Railway Department of the Government of India. I would like the Inspector to be independent of that department. I would not like the Safety Inspector to be appointed Agent. I would like to have a separate cadre for the Safety Inspectors. If they require promotion, let them be promoted as Safety Inspectors and not as Agents of the Indian railways. This question was considered by the Committee which considered the question of the Statutory Railway Board and that Committee came unanimously to the decision that under the new Constitution the Inspector should not be under the Statutory Railway Board, but that he should be independent of that authority. I do not know whether the new Constitution will come into existence or not. I am one of those people who do not want the Federation as it has been framed by the Round Table Conferences and the Government of India Act. I, therefore, want that my proposal regarding the independence of the Safety Inspectors should be brought into operation immediately by the Government of India. If the House insists that the independence of the Inspectors should be secured, if the House also insists that the Government should make a thorough enquiry into the whole subject of safety of Indian passengers, this discussion will have done some useful purpose.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : It is impossible to do justice to the subject under discussion with a restriction of time limit. Before I come to the general arguments, there is one point in the report which I should like to mention. It does not affect the general arguments or the conclusions of the Honourable Judge, and that is the determination of the speed by looking at the time. If it is a case of long distance it is possible for the ordinary clocks to determine the average speed within negligible limits, but if the distance is only  $4\frac{1}{2}$  miles, it is absolutely impossible without astronomical clocks which indicate accurately fractions of seconds to determine the speed with any degree of accuracy. If we only note the minutes and try to determine for a distance of  $4\frac{1}{2}$  miles the mistakes are really enormous. For example, fractions of a minute are not calculated, and if you add the fractions of a minute to either side, you will immediately see that the speed of 57 miles an hour is lowered to 47 miles an hour. If we add the error due to arbitrary fixation of the time of accident, speed will be lowered still. I do not want to dilate on this subject too much, but I should like to mention that we cannot draw any inference by noting down the time in minutes of ordinary Indian clocks. Besides we can only find the average time, but we cannot tell what the speed at a particular moment was, because it is quite possible that the speed may be uniform throughout the distance and we only get by these calculations the average speed and nothing more. Leaving this small consideration I come to the main issue.

The engine was designed in the year 1926 by the Railway Board or by the Standards Office under the Railway Board. There was one mistake which the Railway Board made at the very outset, namely, they overlooked entirely the track, the strength of the bridges, the breadth of the railway

[Dr. Sir Ziauddin Ahmad.]

station, and the equipment of the engine sheds. In 1930-31 when the question of these engines was discussed on the floor of this House, I told a story. I do not want to repeat the whole of it, but only just a portion. That is, a man designed a saddle and after designing the saddle he began to find out a horse to fit this saddle. Instead of designing a saddle to suit the horse, in this particular case they tried to find out a horse to fit the saddle. This has been noticed in the report under discussion, where it is stated that there can be little doubt that this class of engine does not suit this type of track and, conversely, this type of track is unsuitable for this class of engine. It is just the same thing whether you say that this horse is not suitable for this saddle, or this saddle is not suitable for this horse. This was really one of the difficulties which they had at the very outset. This matter was examined by the Retrenchment Committee in 1931 and they recommended in their report that this department which is responsible for the design of the XB engine ought to be abolished altogether. They do not use that phrase in the recommendation itself, but certainly during the discussions the idea was that this department was doing more harm to the country than good and it was responsible for this type of engine which has brought so much disaster before and after this report. The report said :

“ The posts of Chief Controller, Deputy Chief Controller, Assistant Chief Controller and Personal Assistant to the Chief Controller in the Central Standards Office—*(and this office was responsible for the design of the XB engine)*—should be abolished and replaced by two posts of Deputy Directors in the Railway Board.”

At page 10 they say that this office should be considered to be temporary for the present. The East Indian Railway was asked to run these engines and though they pointed out the difficulties, it was difficult for them to tell their masters that their design was wrong and that they ought to change the engine. Had this railway been a Company-managed railway they would not have run these engines at all on their line. They would have taken shelter under their directors at home who would have referred the matter to the experts in England, and certainly the Agents would have said, “ Thank you very much. Your design may be very good, but we are not going to run it ”. But this thing was forced on the East Indian Railway administration by the Railway Board, by the Standards Office who was responsible for the design, and the gentlemen of the East Indian Railway administration who had to look after their bread and butter could not go against their masters and they did the best that they could under the circumstances. Not that I am in favour of Company-managed railways, but this is one of the difficulties of a State-managed railway, namely, that they have to submit to their masters and cannot say, ‘ No ’. The next important point is that when these engines were designed and they came to this country they ought to have been given a fair trial first. The railway authorities should have got, say, half a dozen engines at first and there is no reason, whatsoever, for them to get 99 engines straightaway. They should have got half a dozen engines first and given them a fair trial for two years to discover if they were working well. These engines did not do well at all. The amount of hunting was enormous and the track which we have got did not bear the amount of hunting which these engines produced. The hunting motion, we all know, is a horizontal motion. Every engine hunt, if it is

within the limit it does not distort the track, but if the limit is overstepped the track is deflected either to the right or to the left according to the direction of the motion. Again, there was a clear warning from the railway officer about the work of these engines and still no steps were taken to remove them :

“ The drivers are getting nervous of their engines and several men nearing the age of retirement are making enquiries with a view to going away as the strain is beginning to tell on them and they feel it would be unwise to continue longer than is absolutely necessary.....

..... Actually every one of these engines is liable to break down at any moment and so far there is not a single part of the engine which has not given trouble except the boilers. Up to date no boiler has burst.”

The only satisfactory part in this class of engines is the boiler and every other part of it has given trouble one way or the other. Had these engines not been designed by the Railway Board, had they not been the product of the ingenuity of the engineers belonging to the Standard Office, they would have been condemned long ago and probably the manufacturers would have been asked to pay damages for designing such things. Therefore, this point ought to be considered very carefully by this committee of experts which is coming whether we can force our own designs on our own administration so that their mouths may be shut up and they could not freely criticise as they would have done if this design had come from somebody outside.

Then on page 46 there is mention of a bridge which should not have been opened for traffic. They should have restricted it to slow traffic for one year and then later on opened it for fast traffic.

Then there are a few minor points I should like to refer to. They selected a Counsel to advocate their interests and I do not know whether they were wise or not in selecting a man who had plenty of leisure and would afterwards pay him so that he may have leisure throughout. I leave it to the Honourable the Law Member to say whether a policy of this kind was wise or not. Then, Sir, my Honourable friend, Mr. Nauman, who belongs to Patna and had personal knowledge tells me that the railway administration was very callous about the burial of the Muslim victims. They spent no money and took no care for them with the result that Mr. Nauman and his friends had to collect public subscriptions in order to bury these unfortunate dead people. In the interest of humanity I think it is very desirable that the railway administration should have been more considerate in this particular case.

The next thing I should like to say is that the numerical strength of engines on the East Indian Railway is surely very small because it is pointed out in the report that XB 1916 was the only engine which was available at that time. It is not good that there should be no engine for running the trains. So they ought to have been more careful and there should be sufficient supply of engines and other articles necessary for the traffic. This is a very important question and it is likely that the enquiry now set up by Government about the efficiency of XB and other engines and about the fixing of individual responsibility will also reveal a number of other defects ; and if Government carry out their recommendations I hope accidents will be minimised in future.

**Several Honourable Members :** The question may now be put.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the question may now be put.”

The motion was adopted.

**The Honourable Mr. A. G. Clow :** Sir, we have two amendments before the House. The first amendment,—for I am glad to see that the third amendment to which I should have taken still stronger objection was not moved,—was moved by my Honourable friend, Mr. Santhanam, and the second, by Sir Abdul Halim Ghuznavi. I should like to make it clear at the outset that I find myself unable to accept the first of these two amendments. I have two main objections to it. I should point out in the first place,—and I will try to develop that in a little more detail,—that it is not in all respects an accurate reproduction of Sir John Thom's findings. My second objection which is perhaps a more serious one is one that I think was mentioned by Mr. Griffiths in that it appears to me to condemn certain individuals unheard. I may say that I have heard a good deal in the course of the debate, which I doubt if the learned Chief Justice would endorse—small things and great things. To take only one instance, I think my Honourable friend, Mr. Santhanam, implied that one officer who “ said that he wished that these engines were dead and buried ” said so because he regarded them as so dangerous as all that. Now, if he will look carefully into Sir John Thom's report he will see that Sir John Thom says that he “ admitted in evidence that he wished they were ‘ dead and buried ’ ”,—the actual phrase was coined by the learned Judge himself. That is a minor point ; the important point is that if he will look into the report he will see that Sir John Thom was there dealing not with the question of danger but with the unsatisfactory character of the engines. And this witness acceded to that suggestion of the Judge because the engines were giving so much trouble in the shops and not because he regarded them as dangerous. In reply to other questions he has made it quite clear that he did not himself regard them as dangerous at all.

Now I will come to the first of the items in the first amendment which we are asked to endorse, *i.e.*, that XB engines have been failures for the purposes for which they were designed. I do not think that that is really an accurate interpretation of Sir John Thom's observations.

**Mr. K. Santhanam :** Read paragraph 76 of the report.

**The Honourable Mr. A. G. Clow :** I think the Honourable Member, if he reads the paragraph again, will see that Sir John Thom has been careful to say that he is dealing only with those engines on the East Indian Railway.

“ The evidence placed before me during the course of the Enquiry ”—says the learned Chief Justice—“ leaves me in no doubt whatever that XB engines, so far as the East Indian Railway is concerned, have proved a failure.”

Elsewhere he makes it quite clear that he is not concerned with their performances on other railways. The Honourable Member will find that in paragraph 93 of his report. And in the course of the hearing he made

a number of remarks emphasising that point of view. I will only cite one of them when he said to the Counsel for the Railway :

“ I have indicated again and again that I intend to pass no judgment upon the type of XB engine.”

**Mr. S. Satyamurti :** His finding is there in paragraph 76.

**The Honourable Mr. A. G. Clow :** In paragraph 76 the Chief Justice has been most careful to say, “ so far as the East Indian Railway is concerned ”. That is the point that I am trying to make, that he has carefully abstained, as far as I can see, from saying that this is a general judgment on the XB engines as a type.

Then let me move on to clause (d) which says that the Chief Mechanical Engineer and his deputy attempted to influence the witnesses. I do not think these words will be found, as they stand, in the report and I think they convey a misleading impression of what happened. In fact they led Mr. Sri Prakasa to say that officers were asked “ not to give evidence ” in a certain sense and Sardar Sant Singh went a little further and said attempts were made to “ suborn the witnesses ”. Here we are dealing with the question of officers individually and I suggest to the House that they have no explanations before them and I will only mention one point which I would like them to consider.....

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : They were before the Chief Justice.

**The Honourable Mr. A. G. Clow :** No ; they were not. If the Honourable Professor had listened to my earlier speech he would have heard that I said then that the Chief Justice definitely said he was not there to assign individual responsibility, that charges were not framed against officers and no occasion arose for their explanations. Actually in the case of one of the officers with whom we are concerned, the statements of those who afterwards became witnesses were made I think in a shed, they were made after the Senior Government Inspector of Railways' inquiry was concluded and at a time when, so far as I can see at present, the officer in question had no idea that a judicial inquiry was going to follow ; it had never followed in India before. And while I shall have to look into the matter with further care, there may be no reason for supposing that he had in view the idea that they would subsequently become witnesses in a different type of inquiry. I just mention that to illustrate how dangerous it is to assume that action was taken to “ suborn ” witnesses or other action of that kind. That the action taken may have been unfortunate is of course a different matter. I am only saying that before we come to any final decision on this for or against, it is necessary in all these cases to hear what the officer has to say.

Now, a good deal was said in connection with part (e) about a certain officer, Mr. Robertson. I think Mr. Sri Prakasa said he ran away faster than the train itself. I would suggest to my Honourable friend Mr. Sri Prakasa, who is ordinarily a fair-minded individual, that that is rather an unfair statement to make.....

**Mr. S. Satyamurti :** His running away was more unfair.

**The Honourable Mr. A. G. Clow :** What actually happened was that Mr. Robertson volunteered to stay : If he was to be retained he would have been given leave after retirement. The Agent referred the matter to the Railway Board and the Railway Board having looked into the matter suggested to the Agent that it was unnecessary that he should stay.

**Mr. S. Satyamurti :** Why did they do so ?

**The Honourable Mr. A. G. Clow :** It is very easy to be wise after the event.

**Mr. S. Satyamurti :** It was not honest.

**The Honourable Mr. A. G. Clow :** I think it was perfectly honest.

**Mr. S. Satyamurti :** Then they do not know their job.

**The Honourable Mr. A. G. Clow :** In that case I am sorry I do not know my job either. Let me put it this way : while I fully accept the observation that it is unfortunate that Mr. Robertson was permitted to leave the country I do not feel myself that had the same decision been presented to me I would have realised that Mr. Robertson's presence was necessary.....

**Mr. S. Satyamurti :** You only say this out of loyalty to your subordinates !

**The Honourable Mr. A. G. Clow :** No. Let me take the point in the evidence from what the Chief Justice himself says : The Agent in expressing his regret for this said :

“ Quite honestly I could not see there was any reason why I should keep him and so I permitted Mr. Robertson to go away, but I will try to answer any question which might have been put to him.”

The Court observed :

“ I do not take the matter as very serious, except that it would have been better if he had been cross-examined.”

Mr. Bell said :

“ Had I realised the position, he would not have been permitted to go.”

Sir John Thom then added :

“ I myself did not realize the position.”

**Mr. S. Satyamurti :** But he has given a finding now !

**The Honourable Mr. A. G. Clow :** It is unfortunate that he was allowed to go. I agree with that. In the knowledge we have now and having looked at the results of the inquiry as we have done, it was unfortunate that Mr. Robertson was allowed to go. All I am saying is that if coming to the conclusion that he was not likely to be required is evidence of unfitness for a job, then I should have to plead guilty to that charge.

**Mr. S. Satyamurti :** It is recorded that he elected to desert his colleagues : that is the Chief Justice's observation on this gentleman running away from the country.



**The Honourable Mr. A. G. Clow :** I have given the House the facts including certain facts which were not before the Chief Justice and I must leave them to form their own conclusion.....

**Mr. K. Santhanam :** But what is your objection to my clause (e) ? It merely states the fact.

**The Honourable Mr. A. G. Clow :** I was not referring to your clause : I was referring to the observations which had fallen from Mr. Sri Prakasa.....

**Mr. Sri Prakasa :** On a point of personal explanation, Sir : what I said was that despite the permission given to him he ought not to have gone and I said he went away faster than the train.

**The Honourable Mr. A. G. Clow :** I hope my Honourable friend was merely making a pleasantry and did not intend us to take the statement too seriously. (Interruption.)

**Mr. S. Satyamurti :** It was meant in all seriousness and should be taken accordingly.....

**The Honourable Mr. A. G. Clow :** Will the Honourable Member allow me to go on ?

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhamadan Rural) : May I draw your attention to paragraph 169 ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Let the Honourable Member go on.

**The Honourable Mr. A. G. Clow :** I will now come to Mr. Griffiths' speech, which, if I may say so, was perhaps the only speech that endeavoured to frame an indictment against the railways with some skill. I suggest to him, however, if he reflects on it, that it was an advocate's speech rather than a judge's one and that when all the facts about these are known and when we look into all the explanations they may have to give, the negligence may not lie exactly where he attempted to place it. He referred to one of the railway's arguments as "an excuse", which I think was surely rather a hard word. If he will refer to the learned Chief Justice's Report he will find in paragraph 15 the following statement :

"According to the instructions which are published in the Working Time Table and of which every driver was well aware XB No. 1916, the engine of the 18 Down, should not have been travelling at the time of the accident at a speed in excess of 45 miles per hour."

And whatever might have been the position as regards other drivers the driver of this train at least admitted in answer to both counsel and, I think, in answer to the learned Chief Justice himself that he was well aware that he was not expected to exceed that speed and said that if he arrived late in consequence he would be liable to no blame. I do not want to discuss this question of speed or who is responsible because that is going to be an extraordinarily difficult matter. I was interested in the learned wrangler's observations opposite on the working out of the speed ; and so far as my rusty mathematical knowledge goes I am disposed to agree that from the times recorded it is not possible to tell the exact speed of the train or to get at it even within fairly wide limits. At the same time I may

[Mr. A. G. Clow.]

say that, speaking personally, I have not much doubt that the permitted speed was being exceeded when the train met with this unfortunate disaster.

I do not propose to reply to the various criticisms that have been made regarding the purchase and the design of these engines, because I feel that the committee which is coming out will be able to speak on that with an authority which I cannot possibly claim and will probe these matters thoroughly for the satisfaction of all who are interested. It would be presumptuous on my part to attempt to anticipate any of their conclusions.

I would only say one more thing on this amendment and that is this : that without in any way attempting to extenuate any one who may subsequently be found to have been negligent, I think there is always a little danger in enquiries of this kind for a layman like myself and others to show what is called wisdom after the event. I have not much experience—in fact practically none—of looking into railway accidents ; but for a number of years past I have had to deal with accidents in another and more dangerous form of occupation and that is mining. And I found repeatedly how accidents have occurred in ways which no one, not even the most skilful, could have anticipated ; but after they had occurred you saw quite clearly that if this or that had been done the accident would not have occurred. Railway officers throughout the country are undertaking a very heavy responsibility. The hope has been expressed in this House that such accidents will never occur again. I most sincerely echo that hope, but in Railways, in fact, in connection with all fast travel you can never eliminate entirely the possibility of accidents. I feel when I enter my car I do inevitably take a certain element of risk. The responsibility resting on railway officers in this connection is extraordinarily heavy, and I would ask the House not to condemn any unheard.....

**Pandit Lakshmi Kanta Maitra :** They stand self-condemned.

**The Honourable Mr. A. G. Clow :** No, they don't.

I turn now to the second amendment, and I recognise that the amendment of Sir Abdul Halim Guznavi is not open to the objections that I have been urging. It recommends action along four lines, and all of them appear to me to be reasonable. It concludes with the words : " This Assembly further recommends that the report on the inquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date ". Now, I would just like to make it clear that while I am prepared to accept this amendment, I do not want any misunderstanding about what is intended in the last few lines. I take it that what is wanted is that the Report of the inquiry should be presented to the Assembly, and I shall undertake to see that it will be laid on the table of the House or will be circulated to each Member, and that a Report will also be made to the Assembly regarding any conclusions which we may reach regarding individual officers. But I take it that Sir Abdul Halim Ghuznavi does not expect that the case of individual officers

will be submitted to the House before any action or any conclusions have been formed, because this House obviously is not a tribunal to pass judgment on matters of that kind. And the question whether any consideration that the House desires to give to these matters should be initiated by the Government or should be left to non-officials will of course be a matter for consideration later. With these remarks I would say I am prepared to accept this amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : It has been suggested to me that I might put to the House the amendment that stands in the name of Sir Abdul Halim Ghuznavi first. I am prepared to do that if there is no objection. The amendment is :

“ That for the original motion the following be substituted :

‘ This Assembly having considered the Report of the Honourable Sir John Thom on the cause of the Railway accident at Bihta :

- (1) deplores the loss of life involved and offers its sympathy to the relatives of the deceased and to the injured ;
- (2) recommends that action be taken by Government to give effect to Sir John Thom’s recommendation that the design, the purchase and the continued purchase of the XB engines shall be the subject of a thorough, searching and independent inquiry ;
- (3) recommends that full investigation should be made into the individual responsibility of officers for the accident ;
- (4) to take action and adopt all measures for avoiding similar accidents in future.

This Assembly further recommends that the report on the inquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date ’.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : Therefore, the rest of the amendments need not be considered.

The next item on the agenda is Supplementary Grant.

## DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

### MISCELLANEOUS EXPENDITURE.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I move :

“ That a supplementary sum not exceeding Rs. 1,10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of ‘ Miscellaneous expenditure ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That a supplementary sum not exceeding Rs. 1,10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of ‘ Miscellaneous expenditure ’.”

[Mr. President.]

There are certain amendments, and the first one is, I think, in the name of Mr. S. Satyamurti.

*Report on the Railway accident near Bihta.*

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : Yes, I want to move it, Sir. I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 1,10,000 in respect of ‘ Miscellaneous expenditure ’ be reduced by Rs. 100 ”,

to press on the Government the need for their placing the report of the Committee before the House, and to take its verdict on the recommendations of the Committee before they are implemented by the Government.

Sir, I am in a somewhat difficult position owing to the anomaly in the constitution. I find that the Railway Budget is always presented by the Member for Railways and Communications and he is made the Finance Member during the budget time, but when we come to supplementary grants, I find the Finance Member moves them. I take it he is in a position to answer the points I would like to make on this cut motion, because I do not understand why the Finance Member who did not present the Railway Budget, who is not in charge of the Railway Administration, somehow comes to move the supplementary demands for.....

**The Honourable Sir James Grigg** : I will satisfy my Honourable friend's curiosity on that point. Normally all demands, whether original or supplementary, are to be moved by the Finance Member under the Standing Orders, but at the time of the main Railway Budget, the Governor General appoints the Railway Member to perform the Finance Member's functions in so far as the railway budget is concerned. It is a question of argument as to whether that Resolution is time expired on the passing of the original Railway Budget or not. In order to remove any doubt, I have been made the victim of this motion.

**Mr. S. Satyamurti** : I offer my sympathy to the “ victim ”. The orders of His Excellency the Viceroy are there. They get them in half an hour's time.....

**Mr. President** (The Honourable Sir Abdur Rahim) : I dare say the Honourable Member in charge of the Railways may throw some light on the question.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : I am perfectly willing to deal with it. It was only made by the Honourable the Finance Member in order to avoid a legal objection.

**Mr. S. Satyamurti** : Then, I will address my remarks to the Member for Communications.

**Some Official Members** : To the Chair, to the Chair.

**Mr. S. Satyamurti** : Sir, one part of this cut motion of mine, I think, has been already accepted by the Communications Member in his reply to Sir Abdul Halim Ghuznavi's amendment which was accepted by the House, namely, that the Report of this Committee

be placed before this House together with all recommendations, but the Honourable Member, with all the care of an experienced Government Member, added a few words whose significance was not lost on me, and, I trust, has not been lost on other Honourable Members either, *viz.*, whether, after the recommendations had been placed before the House, Government should take the initiative in getting the verdict of the House thereon or it should be left to non-officials, he very cautiously and wisely said that this was a matter for future consideration. That is the simple point I want to raise on this cut motion; that is to say, I want that they should place this Report before this House and take its verdict on the recommendations of the Committee, before they are implemented by the Government. I do not want to repeat the arguments which this House has already heard in the long discussion on the Report of Sir John Thom, but I want to say for the purposes of my cut motion that the whole question of the purchase, the design,—and mark the words,—‘the continued purchase of these XA, XB and XC engines should be examined by a searching, independent Committee of inquiry’. Therefore, Sir, I think all sections of the House are interested in seeing that the Report they make should be submitted to this House and its verdict should be taken on the recommendations of that Committee, before Government present us with a *fait accompli* and say, the Committee has reported, we have considered it, we have passed the following orders, you may do what you like. That will be infructuous, and it will be too late. Sir, I think the safety of human life in this country is at least as important as in other countries. I was glad to hear the Honourable Member for Communications express the hope that such accidents will not occur in future, and he was expressing the feeling of every Honourable Member of this House, Indian and European, but it does seem to me that if that hope is to materialise, the Government should take this House into their confidence, place all the recommendations before us and tell us what their conclusions are, and then let this House decide what steps should be taken to prevent such accidents in future, so far as that can be done on the recommendations of that Committee. I know the argument will be: ‘After all, we are not all experts’. Now, Sir, I think in all democracies and even in this House, very limited as our democracy is, there is a constant conflict between Government by the people and experts. Now, I have a very great deal of respect for experts, but it does seem to me that even experts can be helped by the common sense of all sections of this House and when those experts have reported, when the report comes to us, let us apply our minds to it and let the verdict of the House be taken. So far as the personnel of the committee is concerned, I will not anticipate the next cut motion and say anything; but I should like to invite the attention of the House to the point made by the Honourable Mr. Santhanam when he said that, after all on this committee there are British experts, three of them, who are to judge of the design approved by their own countrymen here. I do not want to exaggerate, but I think even non-Indians will admit that blood is thicker than water. I have read Sir John Thom’s report and one thing which strikes me more than anything else is the sad feature that responsible high officials were not found wanting to try to influence the evidence before the learned judge. That is obvious through-

[Mr. S. Satyamurti.]

out, and, therefore, it seems to me that the results of this inquiry also may be coloured by the attempts which are sure to be made by the railway officials in this country, with all the strength at their disposal to justify their policy, that they were right in buying and continuing to use and buy XB engines and that they were right in sending further orders. Therefore, I think that the free air of public opinion and the criticism of this House ought to blow on these recommendations, before they are accepted or implemented by the Government. One more argument I want to advance. Some times we vote moneys for committees in the simple trust that the Government will consult us before they implement the recommendations. The Wedgwood Committee was one of those cases, where I was fooled into agreeing to that committee by the Honourable the Finance Member in the hope that we shall get an expert of the status of Sir Josiah Stamp. Instead of that, we get a set of nincompoops who come here and wrote a report most of which has been written by the Chief Commissioner in the Railway Board. If my friend will sit with me, I will prove it to the hilt. I have no doubt that most of these recommendations must have been written in the Railway Board Office here. You can see that, because the things for which they had been pressing all these years, the things which they want, the opinions which they strongly hold and have always held have found a place in that report and the Government have tried to implement those recommendations. If this cut motion is not accepted, there is every danger of the Government presenting us with a *fait accompli*. In view of the fact that Government have already accepted Sir A. H. Ghuznavi's motion, I suggest that the House will be carrying out the spirit of its earlier verdict by voting for my cut motion. Let the recommendations come before us. There will be a special Session in November. If this committee reports more quickly than committees usually do, it can come before us in November. Anyhow, we meet in January and there will be no time lost. I, therefore, commend this cut motion with confidence to every section of the House. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Cut motion moved :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 1,10,000 in respect of ‘ Miscellaneous expenditure ’ be reduced by Rs. 100.”

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : I am glad that this cut motion has come. This Bihta disaster of 1937 was disaster of the first magnitude, and our hearts go out in sympathy to those who suffered and left behind them a number of wailing and crying relations. Sir Sultan Ahmad, who was then in charge of the Railway Department when this accident occurred, insisted that a judicial inquiry should be instituted into this case. The Railway Board wanted to hush up the matter. They did not want an inquiry. The matter went up to the Executive Council and they decided that an inquiry should be instituted and that the matter should be placed before a judge of the High Court. I wish the inquiry had been made by a Full Bench, because then the report would have been more comprehensive. I congratulate on behalf of the House Sir John Thom on the most independent view he has

taken and there has been no favouritism. There has been no judicial nepotism.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member's observations are not relevant to the amendment before the House. He must address himself to the amendment before the House. Kindly look it up.

**Maulana Zafar Ali Khan** : Yes. Sometime in 1926, the Railway Board was rolling in riches. It is a very rich department and it even dreams in millions.

**Mr. President** (The Honourable Sir Abdur Rahim) : All this has nothing to do with the amendment.

**Maulana Zafar Ali Khan** : All I wish to point out is that the Chief designer of these XB engines which have proved such a source of danger.....

**Mr. President** (The Honourable Sir Abdur Rahim) : All this has been fully discussed. The Honourable Member should confine himself to the terms of the amendment.

**Maulana Zafar Ali Khan** : All these things will have to come before the Committee that has been appointed. I wish there had been a judicial inquiry, but as this is a non-judicial inquiry, there is a great danger of its coming to a decision which might, in view of the attitude that the Railway Board took up when this Bihta disaster occurred, might be not in the interests of justice ; and, therefore, I support the cut motion very strongly and I hope that when the Committee, the scope of whose inquiry has been widened, arrives at a decision, that decision will be placed before this House and after this House has approved of that decision, then alone I hope that it will come into effect. With these words, I support the motion.

**Mr. A. Aikman** (Bengal : European) : Sir, the motive underlying this cut motion is perfectly clear. It is : " to press on the Government the need for their placing the report of the Committee before the House, and to take its verdict on the recommendations of the Committee before they are implemented by Government ". Sir, Mr. Satyamurti's proposal would transfer the responsibility for decisions from those on whose shoulders it ought to rest (*Cries of "No, no" from the Congress Benches*), and as I understand the essential principles of parliamentary Government, it is for Government to take its own decisions and it is for this House to censure the Government if those decisions should not meet with the approval of the " common sense of the Members of this House " to which Mr. Satyamurti referred. In these circumstances, my Group are unable to support this cut motion.

(At this stage, Mr. Lalchand Navalrai rose in his seat.)

**Mr. President** (The Honourable Sir Abdur Rahim) : There are three minutes left now. Will the Honourable Member be able to conclude his speech within that time ?

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Yes, Sir, I support this amendment. I think the House has already

[Mr. Lalchand Navalrai.]

committed itself to accepting this amendment because I find that the last amendment that was accepted has given a verdict to this effect, that the report that the Assembly recommends, *viz.*, the report on the inquiries and actions that may be taken in consequence thereof, should be placed before the Assembly for their consideration at an early date. Now I suppose that when this motion has been passed it means that that report has to come before us for consideration and I understand that as soon as it comes for consideration the House has to give its own opinion and verdict on it and then it is to be implemented. I submit we have thus already decided the point now at issue. Now what my learned friend, Mr. Satyamurti, wants, is that the matter should be made more clear so that hereafter the Government may not say, "well, it was left to us to implement or not in any way we like". Now the Honourable Members have made it so clear that the Government or rather the Railway Board has been guilty of negligence in the matter not only of permitting these dangerous XB engines but also in their acquiescence in the absconding of Mr. Robertson. Sir, the Agent of the East Indian Railway appears to me to have abetted his running away. What I say is that if the contemplated report does not come up for the verdict of the House, then the Government may shelve off all these matters. Therefore, I submit that this cut motion is a very important one and should be accepted.

**The Honourable Mr. A. G. Clow :** Sir, I have every sympathy with  
 5 P.M. the point of view put forward by Mr. Satyamurti. I think Mr. Aikman was not interpreting him quite accurately although the wording I have suggested is a little misleading in suggesting that he intended that the Government would be obliged to follow the conclusions of the House. The responsibility, as Mr. Aikman has pointed out, must be theirs. There is one conceivable possibility—I do not say it is likely—that the Committee might recommend some urgent action in the interests of safety and I feel sure the House would understand that the Government might feel obliged to do that before the report has been seen by the House at all. But our intention is that the report should be placed before the House and that there should be a reasonable opportunity for discussion.

**Mr. S. Satyamurti :** May I say that if that Committee recommends any action in the interest of safety, there is no Member in this House who would ask the Government to wait till they consult this House? They are free to take action immediately there, but on every other matter excepting the safety of the passengers who are travelling by these trains, I urge that this amendment ought to be accepted and Government ought to come before us.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I urge that every action should be taken only after the verdict of the House. Even "safety" might cost us crores of rupees.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,10,000 in respect of 'Miscellaneous expenditure' be reduced by Rs. 100."



## The Assembly divided :

## AYES—64.

Abdul Ghani, Maulvi Muhammad.  
 Abdul Qaiyum, Mr.  
 Abdul Wajid, Maulvi.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Bajoria, Babu Baijnath.  
 Banerjee, Dr. P. N.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashlingam.  
 Chetty, Mr. Sami Vencatachelam.  
 Das, Mr. B.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Mr. Govind V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Fazl-i-Haq Piracha, Khan Bahadur  
 Shaikh.  
 Gadgil, Mr. N. V.  
 Ghulam Bhiq Nairang, Syed.  
 Ghuznavi, Sir Abdul Halim.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Misra, Pandit Shambhu Dayal.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Nauman, Mr. Muhammad.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Shaukat Ali, Maulana.  
 Sheodass Daga, Seth.  
 Siddique Ali Khan, Khan Bahadur  
 Nawab.  
 Sikandar Ali, Choudhury Maulvi.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Umar Aly Shah, Mr.  
 Varma, Mr. B. B.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Ziauddin Ahmad, Dr. Sir.

## NOES—48.

Abdul Hamid, Khan Bahadur Sir.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Aikman, Mr. A.  
 Ayyar, Mr. N. M.  
 Bajpai, Sir Girja Shankar.  
 Bartley, Mr. J.  
 Bewoor, Mr. G. V.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chapman-Mortimer, Mr. T.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.  
 Conran-Smith, Mr. E.  
 Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur Captain.  
 Damzen, Mr. P. R.  
 Faruqui, Mr. N. A.  
 Ghulam Muhammad, Mr.  
 Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 Jawahar Singh, Sardar Bahadur Sardar  
 Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Khushalpal Singh, Raja Bahadur  
 Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Mehr Shah, Nawab Sahibzada Sir Sayad  
 Muhammad.

Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.  
 Mukharji, Mr. Basanta Kumar.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Parkinson, Mr. J. E.  
 Rahman, Lieut.-Colonel M. A.  
 Rajah, Raja Sir Vasudeva.  
 Ronson, Mr. H.

Scott, Mr. J. Ramsay.  
 Shahban, Mr. Ghulam Kadir Muhammad.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Sivaraj, Rao Sahib N.  
 Smith, Lieut.-Colonel H. C.  
 Sundaram, Mr. V. S.  
 Town, Mr. H. S.  
 Tylden-Pattenson, Mr. A. E.  
 Walker, Mr. G. D.  
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : Now, I will put the demand less than by Rs. 100. The question is :

“ That a reduced supplementary sum not exceeding Rs. 1,09,900 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1939, in respect of ‘ Miscellaneous expenditure ’.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : Before I adjourn the House, I wish to mention one fact about the last non-official day for Resolutions which was on the 10th instant. The House will recollect that I adjourned the House before it was 5 o'clock. I think it was ten minutes to five when I adjourned the House with the result that the next Resolution standing in the name of the Honourable Member, Mr. Aney, could not be moved, and it has to take its chance in the ballot. It was entirely through oversight of mine that I did not sit on till 5 o'clock that day. I thought that the time was very nearly up and that was how the mistake arose. I cannot rectify the mistake now, but I am sorry that this happened. I do hope, however, that those Honourable Members who are interested in the Resolution will find some means of seeing that Mr. Aney's Resolution has a chance.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th August, 1938.

## LEGISLATIVE ASSEMBLY.

*Monday, 15th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### MEMBER SWORN.

Mr. James Dummond Anderson, M.L.A. (Secretary, Legislative Department).

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

#### DUTY ON ATEBRIN.

172. \***Dr. Sir Ziauddin Ahmad** : (a) Will the Secretary for Education, Health and Lands please state the total revenue income from the duty imposed on atebriu ?

(b) Is it not a fact that this duty falls entirely on the Indian patients suffering from malaria ?

(c) Is it not a fact that by imposition of this duty, Government have placed the poorer people in a position of disadvantage in not being able to afford the expenses of more effective treatment ?

**Sir Girja Shankar Bajpai** : (a) As imports of atebriu are not separately recorded, no estimate of the revenue derived can be made.

(b) Government have no information.

(c) No. As I explained on the 24th March this year in the course of supplementaries on the Honourable Member's question No. 992, even if the duty on atebriu were removed an effective dose of that drug would cost four times as much as an effective dose of quinine and as, generally speaking, atebriu is not more effective than quinine, poorer people are at no disadvantage on account of atebriu being subject to duty.

**Dr. Sir Ziauddin Ahmad** : May I know whether Government have examined the points I raised in my note which I submitted to the Honourable Secretary ?

**Sir Girja Shankar Bajpai** : I have had that note examined, and it is on the basis of the material furnished by our expert malariologist that I have given this answer.

**Dr. Sir Ziauddin Ahmad :** Will it be possible for the Government to lay that note on the table of the House or to communicate it to me ?

**Sir Girja Shankar Bajpai :** I should be very happy to communicate it to the Honourable Member ; it is of a highly technical character and so I think it is not necessary to place it on the table of the House.

**Mr. Badri Dutt Pande :** How much atebrin did we import this year ?

**Sir Girja Shankar Bajpai :** I want notice.

#### MONEY BEING SPENT ON MALARIAL PROBLEMS AND FREE DISTRIBUTION OF QUININE AND CINCHONA.

173. **\*Dr. Sir Ziauddin Ahmad :** (a) Will the Secretary for Education, Health and Lands please state how much money the Government of India are spending on malarial problems ?

(b) Will Government state the amount of quinine and cinchona distributed free, or at a nominal cost, and what are their values ?

**Sir Girja Shankar Bajpai :** (a) The total money which Government have spent on malarial problems in the Centrally Administered Areas during the last two financial years amounts to Rs. 1,37,500. From a grant made by the Government of India the Indian Research Fund Association have distributed eight lakhs for the prevention and cure of malaria in rural areas.

(b) In 1935, the Government of India distributed 45,000 lbs. of quinine valued at Rs. 8,10,000 free of cost. Centrally Administered Areas have also distributed some quantities of quinine and quinine products but the latest figures are not available.

**Mr. Lalchand Navalrai :** Have the Provincial Governments asked for the free supply of quinine ? Have they asked for any assistance from the Government of India ?

**Sir Girja Shankar Bajpai :** The provinces are themselves responsible for public health which includes the free distribution of quinine. They have not asked for any assistance from the Government of India.

**Mr. Badri Dutt Pande :** Are there cinchona plantations anywhere in India ?

**Sir Girja Shankar Bajpai :** There are in Bengal and also to some extent in Madras.

#### FALL IN THE PRICES OF COTTON.

174. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

(a) the present prices of cotton in the Tiruppur and Bombay markets as compared with the last two years ;

(b) whether there has been a fall in prices and whether Government took any steps to prevent this fall in prices ; and

(c) if so, what are those steps ?

**Sir Girja Shankar Bajpai :** (a) The prices at Bombay are published in the *Indian Trade Journal* to which the attention of the Honourable Member is invited. Similar information regarding the prices in the Tiruppur market is not available, but a statement showing the prices since April last is laid on the table.

(b) The answer to the first part is in the affirmative and to the second part in the negative.

(c) Does not arise.

*Statement showing prices of Cambodia cotton at Tiruppur market.*

For the weeks ending				First crop best quality local varieties (per candy of 784 lbs.).	First crop average type (per candy of 784 lbs.).	First crop best quality Outside varieties (per candy of 784 lbs.).	Second crop (per candy of 784 lbs.)
				Rs.	Rs.	Rs.	Rs.
April	9	..	..	234—236	..	220—222	..
	25	..	..	222—230	205—220	..	..
May	11	..	..	220—230	200—218	170—194	..
	16	..	..	222—224	195—197	208—210	..
	20	..	..	212—222	192—210	166—188	..
	22	..	..	210—220	190—208	165—188	..
	24	..	..	218—220	191—193	..	..
	27	..	..	207—219	190—205	167—188	..
	30	..	..	214—216	188—190	..	..
June	6	..	..	205—218	185—203	158—180	..
	9	..	..	210—212	183—185	..	..
	20	..	..	200—210	175—197	160—172	140—150
	23	..	..	200—210	174—197	155—170	135—142
	28	..	..	198—208	175—195	..	155—170
	30	..	..	200—209	182—198	160—180	145—155
July	5	..	..	205—215	182—200	165—180	146—155
	17	..	..	200—212	180—197	162—177	150—160

**Mr. T. S. Avinashilingam Chettiar :** May I know why they have not taken any steps to raise the price of cotton which is a very important crop in this country ?

**Sir Girja Shankar Bajpai :** Because the only step which had been recommended to the Government of India was the imposition of an import duty. They have examined the question carefully and they have come to the conclusion that that would not have the desired effect.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government have come to the conclusion that they can do nothing in the matter ?

**Sir Girja Shankar Bajpai :** So far as they are concerned, they cannot do anything.

**Mr. Manu Subedar :** May I then enquire what is the position of the assurance which the Honourable Member gave to this House during the last session when cotton prices were phenomenally low and when various measures for the amelioration of the cotton producer in all parts of India were advocated and we were told that the matter was receiving consideration.

**Sir Girja Shankar Bajpai :** If I may refresh my Honourable friend's memory, there were three suggestions which I mentioned to the House as having been placed before the Government of India. Firstly, reduction of freight on cotton. I explained to the House then why the Government of India had decided not to accept that suggestion. Secondly, the imposition of an import duty on cotton. We have had that suggestion very carefully examined and we have come to the conclusion that the fall in the prices of Indian cotton is due to world situation and, what is more, there has been an infinitesimal quantity of cotton imported into India which may be said to compete with Indian cotton. In other words, the imports into India did not affect the prices of cotton produced in India. Thirdly, as regards the allocation of areas to crops, that is a matter which directly concerns the Local Governments, but their attention has been drawn to that matter.

**Mr. Manu Subedar :** May I point out that there was one other suggestion which was widely made throughout India and that was the request for the Government to examine the basis of valuation generally which affects the prices of all commodities including cotton ?

**Sir Girja Shankar Bajpai :** If my Honourable friend will look up the proceedings, he will find that this particular matter of valuation was never mentioned to us at all. At any rate, I am not aware that it has been examined.

**Seth Govind Das :** Are the Government considering it now ?

**Sir Girja Shankar Bajpai :** If the Honourable Member will give details of the suggestion, I shall have the point considered.

**Mr. Govind V. Deshmukh :** What about the suggestion made for the export subsidy ?

**Sir Girja Shankar Bajpai :** Cotton cultivation primarily concerns the local Governments and it is for them to consider whether they would give subsidy to the cotton grower or not. The Honourable Member should know sufficiently well the financial situation of the Government of India to realise that they are not in a position to make any subsidy.

**Mr. T. S. Avinashilingam Chettiar :** Will the Government of India move the Provincial Governments in the matter of limiting the areas of production ?

**Sir Girja Shankar Bajpai :** The Indian Central Cotton Committee has already taken up that question and the attention of provinces has been drawn to what is possible in that direction.

**Mr. T. S. Avinashilingam Chettiar :** Is the position of the Government of India still in the stage of attention being drawn or have any steps been taken in that direction ?

**Sir Girja Shankar Bajpai :** My Honourable friend should appreciate the fact that it is not possible for the Government of India to take steps to regulate the area under cotton cultivation because most of the area is under the administration of Provincial Governments. We can do no more than draw their attention to it.

**Mr. Manu Subedar :** May I ask whether Government are not satisfied that the cotton producers in India today are not receiving adequate return, that they are out of pocket, that they could not maintain a reasonable standard of living which they were enabled to do formerly from the patch of ground on which they were cultivating cotton before ?

**Sir Girja Shankar Bajpai :** That is too elaborate a question to be discussed in reply to a supplementary question.

#### NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

175. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

- (a) at what stage the trade negotiations with Great Britain are ;
- (b) what is the amount of money that has been spent on those negotiations ; and
- (c) when Government expect to come to a conclusion in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Penultimate stage.

(b) I would refer the Honourable Member to the answer to part (a) of Mr. Manu Subedar's starred question No. 81 on the same subject.

(c) Shortly.

**Mr. S. Satyamurti :** Before the Government implement their conclusions by actually signing the agreement, may I know whether they will take this House into their confidence ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question has been asked many times and the reply has been this : Government will take this matter into consideration and come to some decision as soon as they know whether there is an agreement to be put before the House.

**Mr. S. Satyamurti :** In view of the answer to part (c), namely 'shortly' which is undefined, and in view of the fact that the Assembly session is scheduled to close on 16th September, may I have a categorical answer to a categorical question whether before the House adjourns at the end of the session, this matter will have to be concluded according to the present expectation of Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have given a reply to the same question from the same Honourable Member previously that I was hoping that we might come to some conclusion before the session closes.

**Mr. Manu Subedar :** Some of us are hearing that the non-official advisers are not agreed. May I enquire whether the Government of India propose to come to any agreement against the advice of the non-official advisers ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a hypothetical question.

**Mr. S. Satyamurti :** In their recent meeting which the non-official advisers had last Saturday with the Honourable the Commerce Member, were all outstanding points of difference discussed and decided ?

**The Honourable Sir Muhammad Zafrullah Khan :** The only communication I have had from the non-official advisers, after I had explained certain proposals to them, is that they are carefully considering those proposals.

**Mr. S. Satyamurti :** May I take it that, before my Honourable friend makes up his mind on behalf of Government with regard to the ultimate stage, he will actively keep in touch with the non-official advisers ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is exactly what I am doing.

**Mr. S. Satyamurti :** May I take it, therefore, that they will be kept in touch with until Government actually make up their mind one way or the other ?

**The Honourable Sir Muhammad Zafrullah Khan :** Surely the Honourable Member can come to some conclusion with regard to this matter from what has happened in the past.

**Mr. K. Santhanam :** With reference to the answer to clause (b), may I know whether in view of the fact that all the expenses in connection with these negotiations have been borne by the Government of India, Great Britain will be asked to share the expenses ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir ; the Government of India have only borne the expenses on their own side.



**Mr. K. Santhanam :** May I know if all the deputations in connection with these negotiations have been from India to England and none from England to India ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member forgets the Lancashire delegation.

**Mr. K. Santhanam :** Was that an official delegation ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. K. Santhanam :** Has there been any official delegation from Great Britain to India ?

**The Honourable Sir Muhammad Zafrullah Khan :** I said there was the Lancashire delegation but that was not an official delegation.

**Mr. T. S. Avinashilingam Chettiar :** Was any definite sum given in reply to that question ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir, a list was laid on the table.

#### NEGOTIATIONS FOR A TRADE AGREEMENT WITH AFGHANISTAN.

176. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

- (a) whether they are negotiating a trade pact with Afghanistan ;
- (b) if so, at what stage the negotiations are ; and
- (c) whether Government propose consulting the Standing Commerce Committee of the Assembly in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No.

(b) and (c). Do not arise.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that there were restrictions on fruit trade from Afghanistan and whether those restrictions have been removed ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this.

**Mr. T. S. Avinashilingam Chettiar :** Have they received any representations from the Government of the North-West Frontier Province in regard to this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I shall require notice of this question.

#### WARDHA SCHEME OF EDUCATION.

177. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Secretary for Education, Health and Lands be pleased to state if the Wardha scheme of education has been examined by him ? If so, will he be pleased to state if the Central Government propose to accept the scheme and give effect to it ? If so, when and where ?

(b) If the Central Government do not accept that scheme, will the Honourable Member be pleased to state the reasons therefor ?

(c) Will the Honourable Member be pleased to lay on the table all correspondence regarding the aforesaid scheme of education ?

**Sir Girja Shankar Bajpai :** (a) The Wardha scheme of education has been examined by a special sub-committee of the Central Advisory Board of Education. The report of the sub-committee will be presented to the Board at its next meeting. Further action must await the recommendations of the Board.

(b) and (c). Do not arise.

**Pandit Lakshmi Kanta Maitra :** When is the next meeting going to take place ?

**Sir Girja Shankar Bajpai :** I expect the next meeting will take place in the beginning of December.

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that the sub-committee appointed by the Central Advisory Board of Education examined the Wardha scheme in all its detail along with the Wood-Abott report, and they have made recommendations ?

**Sir Girja Shankar Bajpai :** That is what I said. I said that the Wardha scheme has been examined by a special sub-committee of the Central Advisory Board of Education who have presented their report.

**Mr. T. S. Avinashilingam Chettiar :** In view of the interest shown by the public in the Wardha scheme will Government consider the advisability of supplying this report to all Members of this House ?

**Sir Girja Shankar Bajpai :** The report will be submitted to the Central Advisory Board of Education in the first instance, and I will certainly have the suggestion of my Honourable friend placed before the Board.

**Mr. M. Ananthasayanam Ayyangar :** Who were the members of this sub-committee ?

**Sir Girja Shankar Bajpai :** There were three provincial Ministers i.e., Mr. Kher, the Prime Minister of Bombay, was the Chairman, and there were Dr. Mahmud from Bihar and Pandit Shukla from the Central Provinces. There were also two Directors of Public Instruction, Dr. Zakir Hussain who is the author of the Wardha report and Dr. Sir Ziauddin Ahmad.

**Pandit Lakshmi Kanta Maitra :** Is the report unanimous ?

**Sir Girja Shankar Bajpai :** I am not sure that I would be justified in communicating in this indirect manner information about a report which is still confidential.

#### FIXATION OF WAGES FOR LABOUR ON A UNIFORM SCALE.

178. **\*Mr. Amarendra Nath Chattopadhyaya :** Will the Honourable Member for Labour be pleased to state if the Central Government contemplate passing any law for fixing up the wages for labour on a uniform scale throughout India ? If so, when ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** No. The conditions in different industries and the cost of living in different parts of British India vary so widely that uniform rates of pay would be unfair to both employers and employees. The result of making wages in factories uniform with the rates prevailing in agriculture and similar industries would, moreover, greatly reduce the total amount paid to labour as a whole.

**Mr. Manu Subedar :** May I know if the Government benches will remember this reply when we come to discuss the maxima and minima in the Motor Vehicles Bill ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is not a question.

#### ATTEMPTS TO CIRCUMVENT ANY OF THE PROVISIONS OF THE NEW INSURANCE ACT.

179. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

- (a) whether he is aware of any attempts which may have been made to circumvent any of the provisions of the new Insurance Act ;
- (b) if so, of which sections of the Act ; and
- (c) whether Government propose to take any measures to prevent these attempts to circumvent the provisions of the Act ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) None that Government are aware of. I may add that the Act is not yet in force.

(b) and (c). Do not arise.

**Mr. T. S. Avinashilingam Chettiar :** When do they hope to bring the Act into force ?

**The Honourable Sir Muhammad Zafrullah Khan :** I shall require notice. It does not arise out of this question.

#### RATIFICATION OF COMMERCIAL AGREEMENTS WITH OTHER COUNTRIES BY THE CENTRAL LEGISLATURE.

180. **\*Mr. Govind V. Deshmukh :** Will the Honourable Member for Commerce please state :

- (a) if he is aware that the Union Government of South Africa sought ratification of the recent Commercial Agreement between it and India by both Houses of Parliament of the Union of South Africa before giving effect to it ; and
- (b) if the Government of India propose to follow the same procedure of getting commercial agreements between it and other countries ratified by the Indian Central Legislature before giving effect to them ; if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No, Sir. The Agreement came into force 21 days after the date of the Note incorporating it, but was subject to lapse if not ratified by Resolution of both Houses of Parliament of the Union of South Africa during the next ensuing session.

(b) The Honourable Member's attention is invited to the speech made on the 1st April by the Government spokesman during the debate on the Resolution moved by Mr. S. Satyamurti on the subject of consulting this House in respect of trade agreements. Government have nothing to add to what was said on that occasion.

I have also given replies to supplementary questions this morning with regard to this matter.

**Mr. Govind V. Deshmukh :** May I know if during the course of the correspondence as regards the provisional arrangement, a letter was received by the Government of India to the effect that these proposals would be placed before both Houses of the Union Government and sanction obtained, and then effect would be given to them ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is possible ; the Honourable Member cannot expect me to remember the contents of every letter that is received by the Government of India.

#### CULTIVATION AND PRODUCTION OF CINCHONA IN THE ANDAMANS.

181. **\*Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether Government propose giving protection and assistance to Provincial Governments and private enterprises in the cultivation and production of cinchona in the islands of Andamans ;
- (b) the object of Government in deputing Dr. Mirchandani and Mr. Wilson to Andamans ;
- (c) whether he will lay a copy of their report on the table ;
- (d) whether he has communicated the findings of Messrs. Wilson and Mirchandani to the Provincial Governments ; and
- (e) what steps Government propose taking in the matter ?

**Sir Girja Shankar Bajpai :** (a) to (e). Mr. Wilson visited the Andamans in the course of his tour in connection with the investigation of the possibility of extending cinchona cultivation in India. His report has not yet been received and no proposal for encouraging cinchona cultivation in the Andamans is at present under consideration. The question of laying a copy of Mr. Wilson's report on the table of the House will be considered when it is received.

**Seth Govind Das :** When is this report expected to be received ?

**Sir Girja Shankar Bajpai :** I think he hopes to send it in by the end of this month.

SECURING OF MAXIMUM PATRONAGE FROM CEYLON FOR INDIAN RICE.

182. \***Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) whether Government are going to conclude a trade pact with Ceylon, giving a *quid pro quo* to both sides ;
- (b) whether it is a fact that rice imported into Ceylon from India is subject to a uniform duty of rupee one per hundredweight and does not get any preference whatever ;
- (c) whether it is a fact that copra from Ceylon imported into India enjoys a ten per cent. preference over the Singapore variety ;
- (d) whether it is a fact that Ceylon imports two-thirds of her rice requirements from other countries ;
- (e) whether Government propose securing maximum patronage from Ceylon for Indian rice, in view of India's purchasing large quantity of copra from Ceylon ; and
- (f) what action Government propose taking in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Negotiations for a trade agreement with Ceylon are expected to begin soon after the conclusion of those now in progress with the United Kingdom.

(b) Yes.

(c) Imports of copra into India from Singapore are entitled to the same preference as is enjoyed by Ceylon copra if it can be shown that the copra was produced in British Malaya.

(d) Yes.

(e) and (f). The matter will receive consideration during the course of the negotiations with Ceylon.

**Seth Govind Das** : In whose favour has the trade balance been for the last two years ?

**The Honourable Sir Muhammad Zafrullah Khan** : I shall require notice of that question.

**Seth Govind Das** : Are any non-official advisers going to be consulted as far as this trade agreement is concerned ?

**The Honourable Sir Muhammad Zafrullah Khan** : I am unable to say at this stage.

CONTEMPLATED BRITISH-BURMA TRADE AGREEMENT.

183. \***Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) the stage at which the contemplated British Burma trade agreement is ;
- (b) when it is likely to be concluded ; and

- (c) whether any of the provisions in the contemplated pact are going to disturb the existing clauses of the Indo-Burma trade agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). The matter being one primarily between the United Kingdom and Burma, the Government of India are not in a position to give any information.

#### PROTECTION TO INDIAN SHIPPING.

184. **\*Seth Govind Das :** Will the Honourable Member for Commerce please state :

- (a) whether the question of Indian shipping interests was discussed during the course of the Indo-British trade pact negotiations ;
- (b) whether or not the subject of Indian shipping and the Indo-British maritime trade generally forms part of the trade agreement ;
- (c) whether any steps were taken by the Indian delegate to secure protection for Indian shipping from the rate-war at the hands of the existing shipping interests ; and
- (d) the results thereof ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (d). The negotiations between the Government of India and His Majesty's Government in the United Kingdom are limited in scope to a discussion of tariff preferences and other arrangements for the expansion of commodity trade between the two countries.

#### POSITION OF THE RECRUITMENT OF INDIAN LABOUR FOR PLANTATION AND OTHER WORK IN CEYLON.

185. **\*Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state the present position of the recruitment of Indian labour for plantation and other work in Ceylon ?

**Sir Girja Shankar Bajpai :** By recruitment, the Honourable Member presumably means the assisting of Indian labourers to emigrate to Ceylon for unskilled work. No such recruitment is now permitted.

#### POSITION OF THE RECRUITMENT OF INDIAN LABOUR FOR WORK IN MALAYA.

186. **\*Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state the present position of the recruitment of Indian labour for work in Malaya ?

**Sir Girja Shankar Bajpai :** The attention of the Honourable Member is invited to the reply given by me to part (a) of Seth Govind Das's question No. 56 on the 9th instant.

## APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

187. **\*Mr. N. M. Joshi** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether they have come to some decision regarding the appointment of their Agents in some of the British Colonies in which there is a large proportion of Indian population ; and
- (b) if so, what the decision is ?

**Sir Girja Shankar Bajpai** : (a) and (b). The matter is still under discussion with His Majesty's Government.

## ESTABLISHMENT OF COMMON STANDARDS OF WEIGHTS IN INDIA.

188. **\*Mr. N. M. Joshi** : Will the Honourable Member for Commerce be pleased to state :

- (a) whether Government have completed investigation and consideration of the question of establishment of common standards of weights in India ;
- (b) if so, what their decision is ; and
- (c) if not, when they expect to come to some decision ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Yes.

(b) Government contemplate undertaking legislation laying down certain standards of weight as soon as possible.

(c) Does not arise.

**Seth Govind Das** : Have Government received any communications from the Provincial Governments in this respect ?

**The Honourable Sir Muhammad Zafrullah Khan** : I do not know ; if the Honourable Member will put down a question to that effect, I will find out.

## PROPOSALS TO RAISE THE PRICE OF INDIAN COTTON.

189. **\*Sardar Mangal Singh** : Will the Honourable the Commerce Member please state :

- (a) whether Government have examined, or propose to examine, any proposals which would help to raise the price of Indian cotton, so as to give relief to Indian cotton growers ; and
- (b) whether Government have examined, or propose to examine, any or all of the following proposals :
  - (i) the increase in import duty on foreign cotton ;
  - (ii) the supply of Indian cotton to Japan on long term credit system ; and

- (iii) negotiating a trade treaty with other countries for the export of Indian cotton ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b) (i). Government recently examined proposals for an increase in the import duty on foreign cotton and came to the conclusion that there was no present case for any increase in duty.

(b) (ii) This is a matter for negotiation between the cotton interests in India and Japan.

(b) (iii) I would invite the Honourable Member's attention to the Protocol regarding Commercial Relations between India and Japan, copies of which are in the Library. The question is also receiving and will continue to receive attention in connection with trade negotiations with other countries.

**Mr. Manu Subedar :** With regard to clause (b) (ii), may I know whether the representative of Japan who has come to India in connection with a request for a long period loan has or has not approached the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a question which should be addressed to the Honourable the Finance Member.

**Mr. Manu Subedar :** May I ask whether this representative of Japan who is in this country has approached the Commerce Department ?

**The Honourable Sir Muhammad Zafrullah Khan :** Unless the Honourable Member is able to specify any particular individual, I am afraid I am unable to give a reply. No representative of the Japanese Government has approached me with any proposal of that nature.

**Mr. T. S. Avinashilingam Chettiar :** In view of the fact that cotton holds a very unique place in the economy of this country, will Government take it upon themselves to find a market for Indian cotton out of India, instead of merely leaving it to the trade ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have replied to this question ; but the Honourable Member may remember that Government are being pressed from many quarters, including the Honourable Member's own party, to boycott everything coming from Japan.

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that a large quantity of cotton is lying idle at different stores and we have got no market for that ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I would have to ask for notice of that.

**Mr. T. S. Avinashilingam Chettiar :** I am sorry I was misunderstood : I did not refer to Japan. I asked whether Government will make any attempts to find a market for cotton in any other country ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that. Government have that under consideration all the time.



INCREASE IN THE IMPORT OF FOREIGN COTTON.

190. \***Sardar Mangal Singh** : Will the Honourable the Commerce Member please state :

- (a) whether it is a fact that the import of foreign cotton has progressively increased since the last year ; and
- (b) what steps Government propose to remedy this alarming situation for Indian cotton growers ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). Yes, Sir, but the imports are almost entirely of cotton of a staple which is not produced in India in sufficient quantities to meet the requirements of Indian cotton mills.

**Mr. S. Satyamurti** : Have Government taken any steps or will they take any steps, in consultation with Indian cotton mills and Provincial Governments, to see that we produce such cotton as is now imported from abroad ?

**The Honourable Sir Muhammad Zafrullah Khan** : It is constantly under the attention of the Indian Central Cotton Committee and the Imperial Council of Agricultural Research.

**Mr. S. Satyamurti** : In view of the protection we are giving, will Government press upon these Indian mill magnates for their voluntary co-operation in the production of Indian cotton as against the import of foreign cotton ?

**The Honourable Sir Muhammad Zafrullah Khan** : That is being done and it will continue to be done.

**Prof. N. G. Ranga** : Have any steps been taken to persuade these cotton mill interests to consume more and more Indian cotton and less of this foreign cotton ?

**The Honourable Sir Muhammad Zafrullah Khan** : They are consuming a progressively increasing quantity of Indian cotton.

**Prof. N. G. Ranga** : What has been done to persuade them to consume less foreign cotton ?

**The Honourable Sir Muhammad Zafrullah Khan** : The trouble in that connection is that in order to be able to compete with other interests it is necessary for them to use cotton of certain staples which are not produced in sufficient quantities in India and therefore it is necessary to get them from outside.

**Mr. K. Santhanam** : On a point of order, Sir : if you look at questions Nos. 174, 189 and 190, it is obvious that there is confusion in the mind of the Government as to who is to answer these questions. The same question was answered by the Education, Health and Lands Department and by the Honourable Member for Commerce. I would like to know who has the ultimate responsibility for these answers ?

**The Honourable Sir Muhammad Zafrullah Khan** : As they stand, the questions were addressed to particular Members, but supplementaries have a habit of wandering all over the field.

**Mr. K. Santhanam :** I am pointing out that question No. 174 was substantially the same as Nos. 189 and 190 on today's list : but one was answered by the Education, Health and Lands Department and the other by the Commerce Department.

**Mr. President** (The Honourable Sir Abdur Rahim) : There is no point of order. The Honourable Member for Government has explained what happened.

**PURCHASE OF WHEAT AND SUGAR BY BRITISH GOVERNMENT FROM INDIA.**

191. **\*Sardar Mangal Singh :** Will the Honourable the Commerce Member please state :

(a) whether it is a fact that the British Government have stocked a large amount of wheat and sugar in the United Kingdom ; and

(b) what quantities of wheat and sugar were purchased by the British Government from India since the 1st January, 1938 ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The Government of India have no information.

**Sardar Mangal Singh :** Will the Government of India make inquiries from the British Government whether any wheat was specially purchased by the British Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no reason to make any enquiries.

**Mr. S. Satyamurti :** May I know whether Government have any machinery by which they can ascertain extraordinary purchases of Indian commodities like wheat, which we may also require in our own country ?

**The Honourable Sir Muhammad Zafrullah Khan :** If there is sufficient reason for the Government to make inquiries, they could : but the question does not mention any such reason.

**Mr. S. Satyamurti :** Has the attention of Government been drawn to what has appeared in the papers—I suppose even the Government does read newspapers—regarding this affair, that enormous commodities especially wheat have been bought by Great Britain ?

**The Honourable Sir Muhammad Zafrullah Khan :** It may be so ; but I do not see in the question any reason disclosed why Government should make inquiries to that effect.

**Dr. Sir Ziauddin Ahmad :** Will it not be possible to give a reply from the statistics of British sea-borne trade ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes ; but they would show only exports to the United Kingdom, not purchases by the British Government.

**Mr. Manu Subedar :** May I enquire whether the agreement recently made by the Government of India precludes the export of sugar only by way of trade or whether it also applies to any purchases of sugar made by His Majesty's Government in this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question : if the Honourable Member is anxious to get a reply, he should put down a question to that effect.

#### DECREASE IN THE EXPORT OF INDIAN COTTON TO THE UNITED KINGDOM.

192. **\*Sardar Mangal Singh :** Will the Honourable the Commerce Member please state :

- (a) whether it is a fact that the export of Indian cotton to the United Kingdom has greatly decreased since last year ; and
- (b) whether the Government of India have made any enquiries from the relevant authorities in the United Kingdom as to the real cause of this progressive deterioration in cotton export to the United Kingdom ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) The question of the export of Indian cotton to the United Kingdom is engaging the attention of the Government of India in connection with the Indo-British trade negotiations.

**Mr. S. Satyamurti :** With reference to the answer to clause (a), can the Honourable Member give some figures as to the actual decrease in the exports ?

**The Honourable Sir Muhammad Zafrullah Khan :** We believe last year they fell down to very near 4,00,000 bales—3,97,000 bales in fact ; and the rate at which the exports are taking place this year does not hold out any hope that they will be any larger this year. I cannot be more precise.

**Mr. Manu Subedar :** What was the highest figure before ?

**The Honourable Sir Muhammad Zafrullah Khan :** 6,22,000 bales.

**Mr. S. Satyamurti :** And yet, they want a trade agreement with us !

**The Honourable Sir Muhammad Zafrullah Khan :** If they have a trade agreement they will take more.

**Sardar Mangal Singh :** May I know whether this decrease in export of Indian cotton to the United Kingdom is due to the relaxation of efforts on the part of the Lancashire Indian Cotton Committee ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say . it is due to a good many reasons : probably mostly to world conditions and particularly to the bumper crop in America in 1937.

## RE-IMPOSITION OF IMPORT DUTY ON FOREIGN WHEAT.

193. \***Sardar Mangal Singh** : Will the Honourable the Commerce Member please state :

- (a) whether any Australian wheat was imported into this country during the last year ;
- (b) what steps Government propose to take to stop the import of foreign wheat into this country ; and
- (c) whether Government propose to reimpose the wheat import duty on foreign wheat ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Yes 19,618 tons.

(b) and (c). Government are carefully reviewing the whole position.

**Mr. Manu Subedar** : Have Government received any representation that the wheat growers in India are in difficulties at the present moment ?

**The Honourable Sir Muhammad Zafrullah Khan** : I would ask for notice of that question.

**Sardar Mangal Singh** : May I know whether the Government of India will consider the advisability of imposing a wheat import duty ?

**The Honourable Sir Muhammad Zafrullah Khan** : That is covered by parts (b) and (c) of the question to which I have already replied.

**Sardar Mangal Singh** : Have Government received any representation from the Punjab Government in regard to the advisability of reimposing the duty on imported wheat ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have given a reply to the Honourable Mr. Manu Subedar's question to the same effect.

**Mr. T. S. Avinashilingam Chettiar** : I do not put this question No. 194, as it is unnecessary now.

†194\*.

## ANSWERS TO STARRED QUESTIONS IN THE LEGISLATIVE ASSEMBLY.

195. \***Mr. Sham Lal** : Will the Honourable the Leader of the House be pleased to state whether it is a fact that answers to starred questions, replies to which are not ready during the session for which they are duly admitted, are being conveyed to members afterwards when the House is not in Session ?

**The Honourable Sir Muhammad Zafrullah Khan** : No. If the final reply to a question to which an *interim* reply has in the first instance been given is not ready before the close of the Session, in which the *interim* reply was given, the final reply is laid on the table or, where voluminous documents are involved, is placed in the Library, in the course of the next following Session.

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†This question was not put by the questioner.

**Mr. Sham Lal :** Why are not the answers sent to the Members who put the question ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is the usual procedure laid down in this respect.

ANSWERS TO QUESTIONS PUT BY THE MEMBERS OF THE LEGISLATIVE ASSEMBLY.

196. **\*Mr. Sham Lal :** Will the Honourable the Leader of the House be pleased to state :

(a) whether questions sent now and then by the Members of the Assembly, are forwarded to proper departments at that very time by the Secretary, Legislative Assembly, after they have been duly examined and approved by the Honourable the President, or whether they are conveyed only at the time when the Assembly session is near ; and

(b) whether it is a fact that full replies to several questions are not available during the session ? If so, what is the reason ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The orders of the Honourable the President are not available to Departments until the admitted list is issued.

(b) The Honourable Member is referred to the reply to his question No. 48 asked on the 1st February, 1938.

**Mr. S. Satyamurti :** In view of the fact that the working of the new rules has benefited nobody—I speak subject to correction by the Government—as Government gets much shorter notice than before and therefore have extra trouble, may I know whether Government have examined the desirability of reverting to the old practice or have come to any conclusion in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as I have been able to ascertain, certain Honourable Members at any rate feel that they have obtained a great deal of relief under the new rules.

**Mr. S. Satyamurti :** May I ask specifically with regard to the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** When I said certain Honourable Members, I meant Members of Government.

ALLOTMENT OF MORE NON-OFFICIAL DAYS FOR BILLS IN THE LEGISLATIVE ASSEMBLY.

197. **\*Mr. Sham Lal :** (a) Will the Honourable the Leader of the House be pleased to state whether Government are aware that there is practically no chance for a non-official Bill in the ordinary course ? Is it only when Government give special facilities to a non-official Bill that it can be considered ?

(b) Are Government prepared to allot more non-official days for Bills ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The Honourable Member's view of the position appears to Government to over-estimate the difficulties attending the effective progress of a private Bill in the absence of the grant of special facilities.

(b) Days are allotted by the Governor General. Government do not propose to suggest an increase in what may be regarded as the standard allotment.

**Mr. S. Satyamurti :** What are the reasons on which the Government come to a conclusion for allotting time for non-official Bills ?

**The Honourable Sir Muhammad Zafrullah Khan :** Observation of the progress in previous Sessions.

**Mr. S. Satyamurti :** Can Government give any instance, except the two non-official Bills which were sponsored by the Honourable Sir Nripendra Sircar, where they gave special facilities for non-official Bills to reach their final stages, and after having reached the final stages, having put them on the Statute Book during the last four years ?

**The Honourable Sir Muhammad Zafrullah Khan :** There are so many Bills which have reached the consideration stage, though they may not actually have been placed on the Statute Book.

**Mr. S. Satyamurti :** In view of the fact that very few non-official Bills, if any, ever get finally passed by this House, apart from the stages in the other place, may I inquire whether the Government will be pleased to re-examine the question and arrange to give more time for non-official Bills ?

**The Honourable Sir Muhammad Zafrullah Khan :** As it is, the Honourable Member made a 5-hours' speech on a Bill.....

**Mr. S. Satyamurti :** I had to make a 5-hours' speech on a Bill and he will find the reasons for it. I am now asking my friend whether Government will reconsider the question of the standard allotment with regard to non-official Bills, and the second question is, whether they will give us specifically some days for non-official Bills in the November Special Session ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already given an answer with regard to the second part.

**Mr. K. Santhanam :** Even in the introduction stage many Bills generally lapse during the life of the Assembly, and in view of this fact I should like to know whether Government will consider the question of altering the rules relating to non-official Bills ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a matter which is not entirely in the hands of the Government. On one occasion the President gave special facilities and he said he would not do it again and that it shall not form a precedent.

**Prof. N. G. Ranga :** In view of the fact that the Honourable the President said that Standing Orders would have to be amended, will Government take a suitable opportunity for amending the Standing Orders in regard to this matter ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Government cannot amend the Standing Orders.

**Prof. N. G. Ranga** : Will Government take steps to see that the Standing Orders are suitably amended by this House ?

**The Honourable Sir Muhammad Zafrullah Khan** : I am afraid I have nothing more to add.

**REPRESENTATION FROM THE LUCKNOW UNIVERSITY *re* SCHOLARSHIP TO INDIAN STUDENTS FROM THE FUND OF 1851 EXHIBITION.**

198. \***Dr. Sir Ziauddin Ahmad** : (a) Will the Secretary for Education, Health and Lands please state if Government received any representation from the Registrar, Lucknow University, on the subject of scholarship to Indian students from the funds of 1851 Exhibition ?

(b) What action have Government taken on this representation ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) Before the representation was received, the Royal Commissioners for the Exhibition had been requested to allot two scholarships to India. They have done so this year.

**POST OF THE ECONOMIC ADVISER AND CREATION OF A STANDING COMMITTEE ON ECONOMIC PROBLEMS.**

199. \***Seth Govind Das** : Will the Honourable the Commerce Member please state :

(a) since when the post of Economic Adviser for India has been in existence ;

(b) the salary the post carries ;

(c) the nature of the organisation placed at his disposal ;

(d) the total monthly expenditure on his staff ;

(e) whether Government or the Economic Adviser suggested the scope of the tasks to be entrusted to him ; if so, whether the Honourable the Commerce Member is prepared to make a comprehensive statement about it ;

(f) whether Government have already arrived at a definite decision with regard to the nature of organisation to be built up around him ; and

(g) whether or not it is a fact that the exact scope of his activities is still somewhat tentative and is expected to be more clearly defined in the light of experience ; if so, whether he proposes to advise Government to consider the desirability of creating a Standing Committee, including members of both the Central Houses, to suggest such enquiries in economic field as are considered necessary from time to time ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Since the 15th January, 1938.

(b) Rs. 3,000 a month.

(c) and (f). The Economic Adviser has the Statistical Research Branch at headquarters under his immediate charge. Sanction has also been accorded to the appointment of one Statistician and four Assistants who will be taking up their posts shortly.

(d) So far as concerns the Statistical Research Branch, I would invite the attention of the Honourable Member to pages 469-470 of the "Detailed Estimates and Demands for Grants for the Expenditure of the Central Government (excluding Railways)" for the year 1938-39, a copy of which is in the Library.

(e) The scope of the Economic Adviser's work is described at page 154 of the "Indian Information Series", dated the 15th May, 1938. A copy of this publication is in the Library. I have no further information to give at the moment.

(g) The reply to the first portion of this part is in the affirmative. As regards the second portion, there is no intention at present of taking the action suggested.

**Seth Govind Das :** Will the Honourable Member be pleased to state what are the benefits done to this country by the Economic Adviser so far ?

**Dr. Sir Ziauddin Ahmad :** Will the Honourable Member be pleased to ask the Economic Adviser to issue Bulletins periodically giving the scope of his work and the results achieved by him ?

**The Honourable Sir Muhammad Zafrullah Khan :** I will bring this matter to his notice.

#### OPPORTUNITY EXTENDED TO INDIAN ECONOMISTS IN METHODS OF ECONOMIC RESEARCH.

†200. **\*Seth Govind Das :** Will the Honourable the Commerce Member please state :

- (a) whether it is a fact that at the time of the announcement of the post of the Economic Adviser for India, Government gave out hopes that suitable opportunity will be given to selected young Indian economists in methods of economic research ;
- (b) what suitable opportunities have been extended to them and whether any appointments have been made under his (Economic Adviser's) control so far ;
- (c) whether the Economic Adviser and his staff are undertaking any enquiries ;
- (d) if so, what the lines of enquiry are, the time it may take in each enquiry, and when they commence such enquiries ;
- (e) whether there is any scheme for taking assistance of non-official Indian advisers ; and

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†Answer to this question laid on the table, the questioner having exhausted his quota.



- (f) the present exact position, in detail, in connection with the activities of the Economic Adviser's organisation and activities ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Sanction has been accorded to the creation of one post of Statistician and four posts of Economic Assistant ; the holders of which will work directly under the Economic Adviser. Appointments to these posts are likely to be made in the very near future.

(c), (d) and (f). I would refer the Honourable Member to the reply I have given to part (e) of his question, No. 199.

(e) No.

#### ASSISTANCE TO PREVENT DAMAGES TO CROPS BY FLOODS.

201. **\*Mr. Brojendra Narayan Chaudhury :** Will the Secretary for Education, Health and Lands please state :

- (a) the nature of assistance given by the Central Government to the Provinces in the matter of prevention of damage to crops by floods and in the matter of irrigation generally ;
- (b) if the Honourable Member is aware that very extensive and serious damages to crops by floods extending to complete loss of year's only crop over entire Police Thana areas, are caused every year by floods in Assam, particularly in the districts of Sylhet, Cachar and Nowgong, necessitating very costly relief and that more than once ' The People Finance Relief Fund ' had to be drawn upon ;
- (c) if the Central Government are rendering any service directly or indirectly towards the solution of Assam's flood problems ; and
- (d) if the Central Government are rendering any such service to any other Province ; if so, what and where ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (c) and (d). The Central Board of Irrigation and the Irrigation and Hydrodynamic Research Station maintained by the Central Government give technical advice whenever required on questions referred to by the Honourable Member.

(b) The Government of India understand that the recent floods in Assam have caused considerable damage in certain districts necessitating relief operations and that inundation of low-lying parts in certain areas is of frequent occurrence.

**Mr. Lalchand Navalrai :** May I know, Sir, in view of the fact that the barrage interests are with the Central Government, whether the Government of India have rendered any assistance to the Sind Government in the present floods ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

**Mr. Brojendra Narayan Chaudhury :** My question asks whether such floods occur every year causing serious damages to crops extending to complete loss of the year's only crop over entire Police Thana areas necessitating very costly relief ?

**The Honourable Sir Muhammad Zafrullah Khan :** The floods occur frequently, I admit, but it is a question which relates to the functions of the Provincial Government.

**Mr. Lalchand Navalrai :** May I point out, Sir, that my question is relevant to clause (d) of the question ?

**The Honourable Sir Muhammad Zafrullah Khan :** The main question is directed towards floods in Assam, and not towards floods in Sind.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can put down a question.

**Mr. Lalchand Navalrai :** Clause (d) of this question says ' if the Central Government are rendering any such service to any other Province if so, what and where ' ?

**The Honourable Sir Muhammad Zafrullah Khan :** I did give a general answer to that question.

**Pandit Lakshmi Kanta Maitra :** It is very difficult to hear you from that distance. We can't hear you at all.

**The Honourable Sir Muhammad Zafrullah Khan :** This is what I said : " The Central Board of Irrigation and the Irrigation and Hydrodynamic Research Station maintained by the Central Government give technical advice whenever required on questions referred to by the Honourable Member ".

**Mr. Lalchand Navalrai :** May I then ask if any advice was given to the Sind Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member will give me notice of that question, I shall find out and let him know.

**Mr. Lalchand Navalrai :** May I know, Sir, if the Sind Government had asked for assistance or advice or not ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should put down a question.

#### DEPUTATION REPRESENTING COCOANUT INTERESTS FROM TRAVANCORE.

202. **\*Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether a deputation representing cocoanut interests from Travancore waited upon the Government of India recently ;
- (b) what the demands of that deputation were ; and
- (c) whether the Government of India considered them and arrived at any decisions ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) The deputation asked for a protective import duty at the minimum specific rate of Rs. 100 per ton on copra and corresponding duties on cocoanuts and coconut oil.

(c) The matter is still under consideration.

**Mr. K. Santhanam :** May I know whether the Government will be able to finish their consideration on this question and come to a decision before the end of this session ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I could not undertake that, but we shall try to push it on as fast as we can.

**Prof. N. G. Ranga :** Is it not a fact, Sir, that the difficulties complained of by the coconut interests of Travancore have been before the Government of India for the last four or five years ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, the matter has been raised on several occasions, and some steps were taken to give relief, at an intermediate stage.

**Prof. N. G. Ranga :** Why is it that no adequate steps have been taken till now by the Government of India in spite of the repeated requests by the interests concerned and despite the 22 assurances the Honourable Member himself gave when he visited Travancore about two or three years ago ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said action was taken to give relief at an intermediate stage.

#### REVISION OF THE 50-MILE ROAD MAP OF INDIA.

203. **\*Mr. Brojenra Narayan Chaudhury :** Will the Secretary for Education, Health and Lands please state :

- (a) when the 50-mile road map of India, published by the Survey of India Office, now on sale, was last revised ;
- (b) whether Government are aware that it contains inaccuracies and does not mark motor-ferries ;
- (c) do Government intend to revise the map as early as possible ; and
- (d) if he is aware that a large number of buyers of the road-map are Indian motorists who would appreciate if sites of famous battles, places of pilgrimage and all ancient preserved monuments, religious or historical, are marked on the map, when such places are on the road, or when they are within reasonable distance, marking the spot on the road whence the place is otherwise accessible ?

There is a slight mistake in this question, Sir,—it should be 50-mile an inch road map of India....

**Sir Girja Shankar Bajpai :** (a) The map was revised in 1933 and re-issued in 1936 with important corrections received from various sources, *e.g.*, Provincial Governments, Local Administrations, Indian States and private bodies.

(b) So far as Government are aware, only to the extent that changes have occurred since the last issue or the information from the various sources already mentioned was incorrect.

(c) Yes. It is hoped to publish a revised edition in 1939.

(d) So far as the scale permits the revised map will incorporate the details mentioned by the Honourable Member.

ASSISTANT DIRECTOR, NUTRITION RESEARCH INSTITUTE, COONOR.

204. \***Mr. Brojendra Narayan Chaudhury** : Will the Secretary for Education, Health and Lands please state :

(a) the salary attached to the post of Assistant Director, Nutrition Research Institute, Coonoor ;

(b) if the present incumbent has any post-graduate qualifications ; and

(c) if he is of non-Asiatic domicile and only about 25 years old ?

**Sir Girja Shankar Bajpai** : (a) No specific scale of pay is attached to the post as such. The present incumbent is an Indian Medical Service officer of the Medical Research Department and draws a pay of Rs. 450 p. m. in the time scale of the Indian Medical Service (Civil), *plus* a special pay of Rs. 250 and an overseas pay at £15.

(b) Yes. The attention of the Honourable Member is invited to the statement laid on the table of the House on the 24th March, 1938, in reply to part (d) of Mr. M. Thirumala Rao's starred question, No. 989.

(c) He is of non-Asiatic domicile and was born on the 16th March, 1910. He is, therefore, 28.

**Pandit Lakshmi Kanta Maitra** : May I know from the Honourable Member that he said that no specific salary is attached to this job and are we to understand that it is an honorary job ?

**Sir Girja Shankar Bajpai** : No. What my Honourable friend has to understand is that a person draws pay according to the period of service that he has put in in the time scale.

**Pandit Lakshmi Kanta Maitra** : What is his time scale pay at present ?

**Sir Girja Shankar Bajpai** : I have given the information. Rs. 450 per month *plus* a special pay of Rs. 250 *plus* an overseas pay at £15.

**Mr. K. Santhanam** : May I know if the Director, Nutrition Research Institute, Coonoor was recruited with a view to train his assistants and why has a non-Asiatic been recruited now as an Assistant Director ?

**Sir Girja Shankar Bajpai** : The position as regards that is that in the original contract with the Director no specific proposition for the training of Indians was made. This officer was recruited three years ago. In the extended contract provision has been made for the training of Indians and the Director will attend to that.

**APPLICATIONS INVITED FOR THE POST OF PROFESSOR OF BIOCHEMISTRY AND NUTRITION AT THE ALL-INDIA INSTITUTE OF HYGIENE AND PUBLIC HEALTH, CALCUTTA.**

205. \***Mr. Brojendra Narayan Chaudhury** : Will the Secretary for Education, Health and Lands please state :

- (i) if applications have been invited for the post of Professor of Biochemistry and Nutrition at the All-India Institute of Hygiene and Public Health, Calcutta ;
- (ii) how many applications have been received ; of these, how many are from Indian and how many from Europeans or other foreigners ; the " high academic qualifications ", " sound knowledge of nutrition questions " possessed and research work done by the applicants ;
- (iii) if this post has been advertised in England, whether it is in contemplation to appoint a European ; if so, why ;
- (iv) who will be the judge of " High academic qualifications ", " sound knowledge of nutrition questions and research works " of the different candidates as advertised for ; and
- (v) the probable grade pay of Provincial Service man contemplated in " (b) Pay " of the advertisement and probable saving upon the pay given in (c) for outside recruits, if Provincial grade candidate is appointed ?

**Sir Girja Shankar Bajpai** : (i) Yes.

(ii) Eight applications have been received from Indians. Applications from Europeans or other foreigners have not yet been received as these are dealt with by a Consultative Committee in London.

(iii) The post has been advertised both in India and in England. It is proposed to recruit the best candidate available.

(iv) The applications will be considered by the Recruitment and Appointments Board for the Institute, which submits its recommendations for approval to the Governor General in Council, the appointing authority.

(v) The pay fixed for a Provincial Service officer is his grade pay in the province *plus* a special pay of Rs. 250 *plus* house rent allowance. For direct recruits the scale is Rs. 1,200—50½—1,500 *plus* overseas pay, if admissible. Scales of pay of Provincial Medical and Public Health Services vary in different provinces and it is, therefore, impossible, till the appointment has been made by the Governor General in Council, to indicate the difference in cost between the recruitment of a Provincial Service officer and a direct recruit.

**Mr. Brojendra Narayan Chaudhury** : I do not want definite, but only probable grade pay.

**Sir Girja Shankar Bajpai** : I have already said that there is no such thing as probable grade pay because it depends upon the province from which the person is selected.

**Mr. K. Santhanam** : Does the Department of Education, Health and Lands specialise in the importation of European officers into this country ?

**Sir Girja Shankar Bajpai** : The Honourable Member may not assume that.

**Seth Govind Das** : Has the appointment not yet been made because so far no foreigner has applied for this place ?

**Sir Girja Shankar Bajpai** : No, but simply because the period within which applications are to be received has not yet expired.

**Pandit Lakshmi Kanta Maitra** : Did the Honourable Member say that the grade pay for outside recruits is Rs. 1,500 ?

**Sir Girja Shankar Bajpai** : What I said was that the pay for direct recruits was Rs. 1,200 rising by biennial increments of Rs. 50 to Rs. 1,500.

**Prof. N. G. Ranga** : Who has appointed this Consultative Committee in London through whom the applications of any foreigners have to pass before they are forwarded finally to the Government of India ?

**Sir Girja Shankar Bajpai** : The Government of India.

**Mr. T. S. Avinashilingam Chettiar** : Is it the ordinary habit of the Government of India to appoint such selection committees, or has it been done only in this case ?

**Sir Girja Shankar Bajpai** : The procedure is that when applications are invited abroad, provided that technical qualifications required for the post necessitate it, an *ad-hoc* committee is appointed.

**Mr. M. Thirumala Rao** : Is the High Commissioner for India one of the members of the Selection Committee ?

**Sir Girja Shankar Bajpai** : Not in this particular case.

**Mr. M. Thirumala Rao** : Does the Selection Committee charge any fees for this work ?

**Sir Girja Shankar Bajpai** : No.

#### INCOME-TAX, ETC., PAID BY THE BURMA OIL COMPANY AND FIXATION OF MAXIMUM PRICE FOR PETROL.

206. **\*Mr. Brojendra Narayan Chaudhury** : Will the Honourable the Commerce Member please state :

- (a) the amounts of income-tax and super-tax and corporation-tax, if any, paid by the Burma Oil Company, Limited, to the Government of India's Central Revenues in the five years 1933-34 to 1937-38 ;
- (b) the rates of dividends, inclusive of issue of bonus shares, paid by the company in those years, and its total profits ;
- (c) the average rate of retail price of petrol in those years in Rangoon, Calcutta, Bombay and London ;

- (d) if he is aware that owing to competition of foreign petrol imported by the West Coast, the prices in Bombay are put lower than prices in Calcutta and that apart from this occasional foreign competition, the Burma Oil Company is in a position to dictate prices of petrol ;
- (e) whether there is now any combine in India in the petrol trade to control prices ; if so, who are the parties to it ;
- (f) the amount of petrol sold in India in 1937-38 (if not available, of the preceding year) and the amount of petrol raised by the Burma Oil Company in their Indian and Burmese fields in that year ; and
- (g) if Government contemplate fixing maximum price for petrol from time to time ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Under section 54 of the Indian Income-tax Act, 1922, the income-tax authorities are prohibited from giving the information asked for.

(b) Government have no information on the subject.

(c) I lay on the table a statement showing the average retail prices of petrol in Calcutta, Bombay and London during the last five years. Information regarding Rangoon prices is not available.

(d) Government are unable to say whether this is so.

(e) The Honourable Member is referred to the replies given by me to Mr. Avinashilingam Chettiar's starred question, No. 1198, on the 6th April, 1938, and the supplementary questions arising therefrom.

(f) Government are unable to furnish the information asked for.

(g) No, Sir.

*Statement showing the average rate of retail prices of petrol in Calcutta, Bombay and London during the last five years ending 1937-38.*

Name of Station.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Calcutta .. .. . (Petrol in bulk).	1 5 6	1 5 6	1 5 6	1 5 0½	1 4 0
Bombay .. .. . (Petrol ex-pump per gallon).	0 15 0.	0 15 0	0 15 0	0 15 0	1 1 4½
	Sh. d.	Sh. d.	Sh. d.	Sh. d.	Sh. d.
London .. .. . (Motor spirit No. 1 per gallon).	1 4½¾	1 4	1 4½¾	1 5¾¼	1 6½

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member kindly enquire whether this company is not paying huge dividends and making huge profits and if in the year 1937 they declared a dividend of 20 per cent. and also issued bonus shares ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am grateful to the Honourable Member for the information.

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member kindly enquire whether this company is not making similar profits in continuous years,—for many years ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am prepared to assume that they have made profits in continuous years.

**Mr. Brojendra Narayan Chaudhury :** As there is profiteering, will Government take steps to fix a maximum price for the petrol ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered the question already.

**Mr. S. Satyamurti :** My Honourable friend simply said “No”. May I know the reasons why the Government do not propose to take any steps to fix the maximum price for petrol, considering the well-known fact that these gentlemen are making very high profits ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not admitted, very high profits. There has to be reason for taking action, and not reason for not taking action.

**Mr. S. Satyamurti :** In view of the fact that the petrol is sold here at a higher price than in London....

**The Honourable Sir Muhammad Zafrullah Khan :** I know that.

**Mr. S. Satyamurti :** ...may I know if that fact is not enough for the Government of India to make a *prima facie* enquiry into this matter, namely, why petroleum produced in this country is sold here at a higher price than in London ?

**The Honourable Sir Muhammad Zafrullah Khan :** That fact is not sufficient.

**Mr. Manu Subedar :** Are Government satisfied that they have sufficient legal powers to interfere if prices are too high against this country and the consumer, and that they would be free to exercise that power when the occasion arises ?

**The Honourable Sir Muhammad Zafrullah Khan :** The last part is hypothetical and obviously I must ask for notice for the first part.

**Mr. T. S. Avinashilingam Chettiar :** With reference to the answer to clause (e), even if there was no monopoly, may I know if there is a combine which regulates the prices ? \*

**The Honourable Sir Muhammad Zafrullah Khan :** That has been answered several times.

**Mr. T. S. Avinashilingam Chettiar :** What was the answer ? The answer to clause (e) was that there was not a monopoly. I want to know whether there is a combine.



**The Honourable Sir Muhammad Zafrullah Khan :** This is a question which has been debated before and there was a long list of supplementaries.

**Mr. K. Ahmed :** In view of the fact that there are supplementary questions which I put in the last session in April—the date given by the Honourable Member in charge—and the Honourable Member was unable to answer my supplementary questions, I am asking him to say in this open House here quite clearly and precisely whether he himself did not purchase petrol in the town of New Delhi at the rate of Rs. 1-11-0 per gallon. How is it, if there is not a controlling authority, if there is not a combine, that the prices have risen so much, and in the City of Calcutta it is sold at Rs. 1-2-0 and in the City of London it is sold at one shilling and tuppence ? (After a pause.) In view of the fact that the Honourable Member has no answer and he pretends to say that he has answered in April last,—I think, it is the 6th of April....

**Mr. Sri Prakasa :** First of April.

**Mr. K. Ahmed :** Yes, just when he flew down to India from London, he had to pay at that rate and how is it that he did not know how to proceed from his quarter to the Assembly Office ?

(No answer.)

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member kindly say what is the distinction between monopoly and combine ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not arise.

**Mr. Brojendra Narayan Chaudhury :** Is it not a fact that most of the capital of these concerns is recruited from England and that is the reason why Government is not fixing any maximum price for petrol ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

#### INDUSTRIES RECEIVING SUBSIDIES OR BOUNTIES FROM THE CENTRAL GOVERNMENT.

207. **\*Prof. N. G. Ranga :** Will the Honourable the Commerce Member be pleased to state :

- (a) which Indian industries are, at present, receiving subsidies or bounties from the Central Government ;
- (b) what amount of subsidy was granted to each one of these industries during the last three financial years ; and
- (c) whether income-tax and super-tax are levied on these amounts received as subsidies by the individual manufacturers or firms in subsidised branches of industries ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I would invite the attention of the Honourable Member to the answer given in this House by Sir Frank Noyce on the 7th February, 1936, to Seth Govind Das's starred question No. 138.

(b) and (c). Do not arise.

**Mr. K. Santhanam :** Has there been no change in these three years ?

**The Honourable Sir Muhammad Zafrullah Khan :** On the whole, the position is the same.

**Prof. N. G. Ranga :** In view of the fact that all economists are unanimous in the opinion that to give a subsidy in order to help an industry is a much better thing than to impose protective duties, will Government consider the advisability of subsidising industries which are in need of public assistance rather than imposing protective duties and thus taxing the people in an indiscriminate fashion for an indefinite period ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member is asking me, in answer to a supplementary question, to lay down an entirely new policy in these matters for the Government of India.

#### DISTRIBUTION OF KEROSENE AND PETROL IN INDIA.

208. **\*Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether the attention of Government has been drawn to the following paragraph on page 75 of the book " Raw Materials or War Materials ? " by Alfred Plummer (Gollancz, London) :

" . . . . . while as regards oil distribution in India, China, and other eastern countries, the Royal Dutch Shell, and the Anglo-Persian-Burma groups are as one. Amongst the shareholders in this group of companies are the British, French and Australian Governments " ?

(b) Do Government still maintain that they have no information of any price fixing pool or other organisation in the oil trade, i.e., in the distribution of kerosene and petrol in India ?

(c) Will Government place before the Assembly such information as they may have on this subject ?

(d) Do Government propose to consider the advisability of detailing a special officer in order to ascertain and report clearly the position of India *vis-a-vis* powerful international combinations in the oil trade ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No, Sir. The book referred to is not available.

(b) and (c). The Honourable Member is referred to the reply given by me to part (e) of Mr. Brojendra Narayan Chaudhury's starred question No. 206. I have nothing further to add.

(d) Does not arise.

**Mr. Manu Subedar :** If the book is not available, may I know, if the Government of India are aware from other sources that the oil companies which are fixing the prices are mulcting the poor both in respect of kerosene and petrol and are the Government of India aware that the British Government hold shares in these oil companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of it.

**Mr. Manu Subedar :** Will you make an inquiry ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not see any reason for making an inquiry.

**Mr. Manu Subedar :** The Honourable Member says that he is not aware of any combine for fixing prices. May I know whether at the time of the negotiations when the Road Fund was created, the negotiations were between the Government of India and the oil interests as a whole or separately ?

**The Honourable Sir Muhammad Zafrullah Khan :** I was not here at the time. If the Honourable Member wants an answer, he had better put down a question.

**Mr. Manu Subedar :** Are the Government aware that prices are uniform all over the country whatever the source of supply and that changes have taken place only when there is competition from Russia and Rumania.

**The Honourable Sir Muhammad Zafrullah Khan :** The prices are not uniform, as the statement which has been laid on the table will show.

**Mr. Manu Subedar :** My question is this. Whether the supply is from Anglo-Persia or Burma or other source, the price of petrol in Delhi is the same in the same centre. Is this phenomenon not the result of a price fixing pool ?

**The Honourable Muhammad Zafrullah Khan :** That is a matter for argument.

**Mr. Manu Subedar :** May I know whether the Honourable Member is aware that the price is the same in one centre, for example, in Calcutta.

**The Honourable Sir Muhammad Zafrullah Khan :** My own experience is that generally they are about the same level.

**Mr. Manu Subedar :** Does not the Honourable Member consider that this is definite evidence of price fixing by a combine ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is an attempt to argue.

**Shrimati K. Radha Bai Subbarayan :** The Honourable Member said that the book is not available. May I ask why ?

**The Honourable Sir Muhammad Zafrullah Khan :** I had a requisition sent to every library the use of which is open to the Government of India and the reply was that the book is not available.

**Mr. S. Satyamurti :** Have you asked your own Economic Adviser ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot remember whether I specifically consulted Dr. Gregory.

## EXPORT OF INDIAN COTTON TO JAPAN.

209. **\*Mr. Manu Subedar :** (a) With reference to the assurance given by Government during the last Session that they were taking up with His Majesty's Government the matter of the detention of the purchase money by Japanese merchants and banks of cotton sent from India by Indian merchants, will the Honourable the Commerce Member please inform this House of the latest position with regard to this matter ?

(b) Is it true that a large number of bales is still being exported without any assurance or guarantee as to the full payment being received by the exporters ?

(c) Are Government aware of any Mission sent out by Japan to India to secure long-term credit for cotton—in other words, to secure Indian cotton without an immediate payment thereof ?

(d) Do Government propose to take steps to prevent Indian cotton being exported to Japan under these conditions and Indian merchants being victimised ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) As a result of representations made through diplomatic channels the Government of Japan agreed last April, that exchange permits for the payment for imports at current prices would be issued at once, while permits for the difference between the contract price and the current price would be issued as soon as the importers produced documentary evidence to show that the contracts were made at higher than current prices. Such evidence has been collected and forwarded to Tokyo and the matter appears now to be on a fair way to settlement.

(b) Government have no information.

(c) Information to this effect has appeared in the Press.

(d) The matter is one for mutual agreement between the cotton interests in India and Japan.

**Mr. Manu Subedar :** With regard to the balance, are Government aware that there is still a considerable amount of Indian money unfairly withheld by Japanese merchants and banks ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member means that there are still demands which have not been satisfied, I have dealt with the matter in my reply to part (a) of the question.

**Mr. Manu Subedar :** I am referring to the delay in the payment for goods actually supplied and taken. The Honourable Member's reply states that payments for imports at current prices are being made. My question is whether the Honourable Member is aware that considerable sums are still being delayed, that is, the balance.

**The Honourable Sir Muhammad Zafrullah Khan :** It is obvious from my reply that the question of the payment for the balance is being looked into.

**Mr. Manu Subedar :** My question is whether there are still large sums due to Indian merchants which have been unfairly detained by Japanese merchants and banks.

**The Honourable Sir Muhammad Zafrullah Khan :** I have said that the matter is in a fair way to settlement.

POSITION REGARDING PROPOSED DISCRIMINATORY LEGISLATION AGAINST INDIANS IN SOUTH AFRICA.

210. **\*Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position with regard to the proposed discriminatory legislation against Indians in South Africa in respect of which two commissions were recently appointed on the question of mixed marriages and Asian land tenure ;
- (b) whether the new Agent General in South Africa has made a proposal for a Round Table Conference on the question of franchise for Indians in South Africa ; and
- (c) whether Government propose to press on the South African Government the need for conferring political and civic franchise on the domiciled Indian population in South Africa ?

**Sir Girja Shankar Bajpai :** (a) The two Commissions referred to by the Honourable Member commenced their public sittings early this month.

(b) No.

(c) The attention of the Honourable Member is invited to the reply given by me on the 23rd September, 1937, to part (d) of his starred question No. 747.

**Mr. S. Satyamurti :** With reference to part (a) of the question, may I know if arrangements are being made by the Government of India to lead evidence on behalf of Indians before these commissions ?

**Sir Girja Shankar Bajpai :** Arrangements have been made by the Agent General not only on behalf of the Government of India but also on behalf of the Indian Congress of South Africa.

**Seth Govind Das :** Is the Honourable Member aware that Indians in South Africa have franchise ?

**Sir Girja Shankar Bajpai :** Not throughout South Africa but in certain portions. Mr. Satyamurti is also aware of it.

**Seth Govind Das :** May I know why the Government of India is not moving in the matter ?

**Sir Girja Shankar Bajpai :** My Honourable friend has been there and knows the conditions and he would appreciate that one has to move somewhat cautiously in this matter.

**NON-INDIAN EXPERTS IMPORTED IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND OFFICES ATTACHED THERETO.**

211. **\*Mr. S. Satyamurti** : Will the Secretary for Education, Health and Lands please state :

- (a) the number of non-Indian experts who have been imported into this country either for permanent jobs, or for committees, or for temporary appointments during the last four years beginning from 1934, up-to-date in the Department of Education, Health and Lands and offices attached thereto ;
- (b) the cost on account of these experts and the purpose for which they were imported ; and
- (c) if Government satisfied themselves that in every one of these cases, there was no competent Indian available, for the job, and, if so, how ?

**Sir Girja Shankar Bajpai** : (a), (b) and (c). A statement is laid on the table.

*Statement showing non-Indian experts imported into this country for posts under the Department of Education, Health and Lands (including the Imperial Council of Agricultural Research Department).*

Serial No.	Name of Officer.	Post or purpose for which recruited.	Whether permanent or temporary.	Cost—(passage, pay, etc.)	Date of appointment.	Whether Government was satisfied that there was no competent Indian available.
1	Dr. H. E. C. Wilson, M.B., Ch.B., M.D., D.Sc.	Professor of Biochemistry and Nutrition at the All-India Institute of Hygiene and Public Health, Calcutta.	He was engaged on contract for a period of five years in the first instance.	(i) One first class passage from England to India. (ii) Appointed on an initial pay of Rs. 845 in the scale of Rs. 725—120/3—1,565—135/3—1,700 <i>plus</i> compensatory allowance in lieu of private practice at Rs. 500 a month.	24-3-34	Yes. The post was advertised both in India and in England and Dr. Wilson was considered to be the best candidate available for it.
2	Dr. R. Passmore, M.A., B.M., B.Ch. (Oxon.).	As a non-I. M. S. Officer of the Medical Research Department for appointment as Assistant Director, Nutrition Research, Coonoor.	Permanent ..	(i) Two second class passages in lieu of one first class passage. (ii) Appointed on an initial pay of Rs. 750 p. m. in the scale of Rs. 625—1,350 prescribed for non-I.M.S. Officers of the Medical Research Department.	11-9-37	Ditto.

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Serial No.	Name of Officer.	Post or purpose for which recruited.	Whether permanent or temporary.	Cost—(passage, pay, etc.)	Date of appointment.	Whether Government was satisfied that there was no competent Indian available.
3	Mr. F. E. Selfe ..	Mr. Selfe was recruited to hold the post of Assistant Head Engraver, Engraving Office, Calcutta, to take charge of the Engraving Office during the absence of the Head Engraver, when on leave, and in addition one of his most important duties was to train the young Indian probationers to give effect to an Indianisation Scheme.	Under contract for five years.	(i) Second class passage on first appointment for self, wife and two children. (ii) Appointed on an initial pay of Rs. 410 p. m. in the scale of Rs. 200—30—500 plus overseas pay of Rs. 150 p. m. (Cost: Rs. 33,780 from the 14th September 1934 upto end of July 1938.)	14-9-34	When Mr. Selfe was recruited the instructions were that preference should be given to an Indian providing one possessing the necessary qualifications was available. Mr. Selfe was selected only in the absence of a suitable Indian.
4 and 5	Mr. A. Abbott, C.B.E., formerly H. M. Chief Inspector of Technical Schools, Board of Education, England, and Mr. S. H. Wood, M.C., Director of Intelligence, Board of Education, England.	To advise on certain problems of educational reorganisation and particularly on problems of vocational education.	Temporary..	Cost of enquiry : Rs. 34,048	The experts visited India during the winter of 1936-37.	The attention of the Honourable Member is invited to the answers given in this House to the supplementaries arising out of his starred question No. 450 on 22nd September, 1936.
6	Mr. L. D. Galloway, M.A.	Imperial Mycologist, Imperial Agricultural Research Institute.	Permanent ..	(i) First class passage from England to India and back. (ii) Pay Rs. 575 p. m. plus special pay of Rs. 150 p. m. attached to the post and O. S. P. £30 p. m.	17-12-35	Yes, by advertising through the Federal Public Service Commission.



7	Dr. G. W. Padwick	Imperial Mycologist, Imperial Agricultural Research Institute.	Permanent ..	(i) First class passage from London. (ii) Pay Rs. 500 p. m. <i>plus</i> special pay of Rs. 150 p. m. attached to the post and O. S. P. £25 p. m.	15-11-37	Yes, by advertising through the Federal Public Service Commission.
8	Mr. A. M. Livingstone	Agricultural Marketing Adviser to the Government of India. He was required to suggest improvement of marketing in India in pursuance of the recommendations of the Royal Commission on Agriculture, the Central Banking Enquiry Committee and the Provincial Economic Conference.	Appointed in April 1934 and expected to continue in the post up to April 1940.	(i) Passage both ways. (ii) Pay in the scale of Rs. 2,500—125—2,750 (present pay Rs. 2,750) <i>plus</i> overseas pay at £13-6-8 p. m.	April, 1934	He was chosen on the recommendation of a Selection Committee appointed by the High Commissioner.
9 and 10	Sir John Russell and Dr. N. C. Wright.	To conduct a scientific review of the research programme of the Imperial Council of Agricultural Research as enjoined by the Order-in-Council on the budget estimates of the Central Government for 1936-37.	Temporary (Period of stay in India —November, 1936—March 1937).	Cost on experts—Rs. 46,800. Cost of enquiry—about Rs. one lakh.	November, 1934	Appointed on their recommendation of the Secretary of State for India.

**Mr. S. Satyamurti** : I should like to have the statement read out. This is a very important question.

**Sir Girja Shankar Bajpai** : The statement runs over two pages.

**Mr. S. Satyamurti** : Will the Honourable Member give the number ?

**Sir Girja Shankar Bajpai** : The number is nine. Four came on temporary visits and went away. Two have resigned and have gone away, so that the net result is three.

**Mr. S. Satyamurti** : With reference to clause (c) of the question, have Government satisfied themselves that in every one of these cases there was no competent Indian available ?

**Sir Girja Shankar Bajpai** : If my Honourable friend will look at the statement, he would find that in regard to each one of these appointments the post was advertised both in England and India and what was more, the results of the advertisement were considered by a Selection Committee in this country and then the choice was made.

COMMUNIQUE *re* BREAKDOWN OF NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

212. \***Mr. S. Satyamurti** : Will the Honourable the Commerce Member please state :

- (a) whether his attention has been drawn to a joint *communiqué* issued by the Lancashire delegation and the Indian Advisers on the breakdown of the negotiations between them ;
- (b) what the gap was which existed between their points of view which all through the discussions they had failed to bridge ;
- (c) whether the Government of India propose to act on the advice of the non-official advisers in this matter ; and
- (d) if not why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Yes, Sir.

(b) Government are unable to supplement what has already appeared in the Press on this subject.

(c) and (d). The Honourable Member's attention is invited to the answers given to part (b) of his question No. 15 and its supplementaries on the 23rd August, 1937, and to the speech of the Government spokesman on the 7th March, 1938, in the other House during the debate on a Resolution moved by the Honourable Mr. Hussain Imam on the subject of the Indo-British trade negotiations and, I may add, to what I have said, this morning in connection with this matter.

**Mr. S. Satyamurti** : May I ask whether in this matter the Government of India propose to act differently from the advice given by the non-official advisers ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a hypothetical point ; so far the Government of India and the non-official advisers have acted together ; nobody can say what may happen later on.

(b) WRITTEN ANSWERS.

PROTECTION TO THE INDIAN FILM INDUSTRY.

213. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether Government have considered or propose to consider some steps to protect the Indian film industry from invasion by foreigners ;
- (b) whether Government are aware of the strong feeling in Bombay on the opening by Metro-Goldwyn Meyer of a theatre of their own, producing their own films ;
- (c) whether Government propose to take any steps to protect this industry ; and
- (d) if so, what they are ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (c) and (d). The question of foreign invasion of the Indian film industry has been brought to the notice of the Government of India on many occasions, but they are not satisfied that any action on their part is called for more particularly as the initiative in the matter lies with the Provincial Governments.

(b) Yes Sir. But Government are not aware that the Company are producing their own films in India. I would, in this connection, invite the attention of the Honourable Member to the answer given in this House by Sir Frank Noyce on the 25th January, 1937, to part (b) (i) of Mr. C. N. Muthuranga Mudaliar's starred question No. 8.

APPOINTMENT OF INDIAN AGENTS IN FIJI, BRITISH GUIANA AND TRINIDAD.

214. **\*Mr. Badri Dutt Pande :** With reference to my starred question No. 235 of the 14th February, 1938, will the Secretary for Education, Health and Lands be pleased to state if Agents have been appointed in Fiji, British Guiana and Trinidad ?

**Sir Girja Shankar Bajpai :** The attention of the Honourable Member is invited to the reply given by me to Mr. Joshi's starred question No. 187.

ESTABLISHMENT OF A CENTRAL DAIRY INSTITUTE.

215. **\*Mr. Badri Dutt Pande :** (a) Will the Secretary for Education, Health and Lands be pleased to state if any decision has been arrived at regarding the establishment of a Central Dairy Institute in India ?

(b) If so, will Government be pleased to give full details of the Scheme ?

**Sir Girja Shankar Bajpai :** (a) and (b). Government propose to establish such an Institute but questions such as its location and other details have not yet been settled, nor can a start be made with the Institute until funds can be provided.

#### ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

216. **\*Bhai Parma Nand :** With reference to the reply to question No. 431, given on the 22nd February, 1938, regarding the electrical establishment of the Central Public Works Department, will the Honourable the Labour Member please state whether this establishment is meant for employment at New Delhi and not liable for transfer anywhere else ?

**The Honourable Sir Muhammad Zafrullah Khan :** The members of the electrical establishment, like all other officers and subordinates of the Department, are liable to be transferred anywhere within the jurisdiction of the Department.

#### WORK-CHARGE ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

217. **\*Bhai Parma Nand :** With reference to the reply to starred question No. 754 given on the 10th March, 1938, will the Honourable the Labour Member please state :

(a) if the question of the work-charge establishment of the Central Public Works Department being brought on the regular establishment is being considered, and, if not, why not ; and

(b) whether it is a fact that some of these incumbents have been continuously in Government service since 1911 ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The answer is in the negative. Work-charged establishment includes only such staff as is employed upon the actual execution, as distinct from the general supervision, of specific work. The cost of such staff is charged to the work concerned and depends on the existence of the necessary budget provision from year to year.

(b) Yes.

#### ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT

218. **\*Bhai Parma Nand :** With reference to the information supplied in reply to unstarred question No. 60, asked by Raizada Hans Raj on the 7th March, 1938, regarding electrical establishment of the Central Public Works Department, will the Honourable the Labour Member please state whether there are no grades laid down for the establishment ; if not, what is the criterion for the grant of increments ?

**The Honourable Sir Muhammad Zafrullah Khan :** No system of grades with annual increments exists for work-charged establishment. But a schedule of minimum and maximum rates for different classes of this type of establishment was laid down by the Chief Engineer in 1930 and standard minimum and maximum rates for new entrants were sanctioned in 1935 by the same authority. The general practice is for the Divisional Officer concerned to grant small increases of pay within these limits from time to time on the merits of each case and subject to the existence of provision in the estimate against which the workman is employed.

VISITS OF COMMERCE MEMBER TO ENGLAND IN CONNECTION WITH THE  
NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

219. **\*Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- (a) how many times he has gone to England in connection with the Indo-British Trade talks ;
- (b) how many more times he is expected to go there for this purpose ;
- (c) the total expenses already incurred in this connection ; and
- (d) whether the British Government will be asked to share the cost ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Three times.

(b) So far as can be foreseen, a further visit is unlikely.

(c) I would refer the Honourable Member to the answer given during the current Session to part (a) of Mr. Manu Subedar's starred question No. 81.

(d) No, Sir.

REPORT ON THE ECONOMIC CENSUS OF INDIA.

220. **\*Prof. N. G. Ranga :** Will the Honourable the Commerce Member be pleased to state :

- (a) when the report of Messrs. Bowley and Robertson on the Economic Census of India was submitted to Government ;
- (b) whether Government propose immediately to make available to the public the said report ;
- (c) whether they propose to implement at the time of the next population census in 1941 the recommendations made in the Report in the appendix to chapter one ; and
- (d) whether they are considering the advisability of taking in the near future a Production Census for India on the lines suggested in the said Report ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) In March 1934.

(b) The Report is already available to the public.

(c) The recommendations will be considered in connection with the next Census.

(d) No, Sir.

#### OCTROI DUTY CHARGED BY NEPAL GOVERNMENT ON ARTICLES FROM INDIA.

221. **\*Mr. Badri Dutt Pande** : Will the Honourable the Commerce Member be pleased to state :

(a) whether the Nepal Government charges octroi on all articles coming from and entering into the Nepal territory from the Indian territory ; and

(b) whether there is any reciprocal duty on goods going into and coming from Nepal ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : The question should have been addressed to the Foreign Secretary.

#### COUNTRIES WITH CONSULS OR TRADE COMMISSIONERS APPOINTED BY THE GOVERNMENT OF INDIA.

222. **\*Sardar Mangal Singh** : Will the Honourable the Commerce Member please state the names of the countries where Consuls or Trade Commissioners have been appointed by the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan** : Consuls in foreign countries are appointed by His Majesty's Government and not by the Government of India. Indian Trade Commissioners have been appointed by the Government of India in the United Kingdom, Germany, Italy, Japan, East Africa and the United States of America, and a Trade Agent in Afghanistan.

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#### UNSTARRED QUESTION AND ANSWER.

##### NOTICE TO TERMINATE THE OTTAWA TRADE AGREEMENT.

8. **Dr. Sir Ziauddin Ahmad** : (a) Will the Honourable the Commerce Member please state if Government gave notice to the British Government to terminate the Ottawa Agreement as directed by the Legislative Assembly ? If not, why not ?

(b) Are Government contemplating bringing forward the new agreement in place of the Ottawa Agreement ? If so, when will the draft be ready ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The Honourable Member's attention is invited to the answer given on the 1st February, 1938, to Mr. Manu Subedar's question No. 58.

(b) Negotiations with His Majesty's Government in the United Kingdom for the conclusion of a new trade agreement are still in progress.

## STATEMENTS LAID ON THE TABLE.

OBJECTS ON WHICH THE AVIATION SHARE OF THE PETROL TAX FUND WAS  
EXPENDED DURING THE YEARS 1936-37 AND 1937-38.

**Mr. K. G. Mitchell** (Government of India : Nominated Official) :

12 NOON.

Sir, with your permission, in the absence of the Honourable Mr. Clow, I lay on the table two statements promised in reply to part (b) of short notice question No. 146, asked in the Council of State on the 28th August, 1934, showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the years 1936-37 and 1937-38.

*Statement showing the objects on which the Aviation share of the Petrol Tax Fund was  
expended during the year 1936-37.*

<i>Object.</i>	<i>Expenditure.</i>
	Rs.
<i>Clubs.</i>	
Financial assistance to Flying Clubs in India .. ..	23,000
Special grant-in-aid to U. P. Flying Club, Ltd. .. ..	10,000
	<hr/> 33,000 <hr/>
<i>Research.</i>	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England .. ..	6,965
	<hr/>
<i>Training.</i>	
Training of Indians in wireless telegraphy .. ..	8,023
Financial assistance to Mr. B. L. Dhawan .. ..	730
Training of Pilot Instructors at Karachi and Bombay ..	1,950
	<hr/> 10,703 <hr/>
<i>Experimental.</i>	
<i>Aircraft.</i>	
Provision of a B. A. C. Drone aircraft for flying practice by Clubs in India .. ..	5,977
Experimental equipment of an aeroplane with armour plate glass wind screens .. ..	20
Subscription to the Flying Flea Fund (to finance experimental wind tunnel tests of this type of machine) opened by the Air League of the British Empire .. ..	40
	<hr/> 6,037 <hr/>

<i>Object.</i>	<i>Expenditure.</i>
<i>Lighting.</i>	Rs.
Purchase and installation of a 'Sun' beacon at the Jodhpur aerodrome .. .. .	26
Provision of obstruction lights on two masts at the W/T station at Mingaladon .. .. .	289
Installation of a General Electric Co. Neon beacon at the civil aerodrome, New Delhi .. .. .	4,430
Purchase of portable Neon lights for the civil aerodromes at Karachi and New Delhi .. .. .	2,116
Lighting of the Qutab Minar .. .. .	1,216
	<hr/> 8,086 <hr/>
<i>Wireless Telegraphy.</i>	
Installation of wireless telephonic apparatus on Miles Merlin aircraft belonging to Messrs. Tata Sons, Ltd. ..	525
Experimental work with direction finding radio receiving apparatus	528
	<hr/> 1,053 <hr/>
<i>Meteorology.</i>	
Experimental work by Messrs. Tata Sons, Ltd., with an accelerometer supplied to them for research in atmospheric turbulence .. .. .	36
Provision of Holophane Lumeters, at Agra, Poona and Karachi to measure atmospheric transparency and night visibility (of beacons, etc.), in India .. .. .	1,103
	<hr/> 1,139 <hr/>
<i>Miscellaneous.</i>	
Wireless Demonstration flight of VT-ACT in connection with the opening of the Willingdon Air Station .. .. .	500
Demonstration of night flying in connection with the Empire Air Mail Scheme .. .. .	300
	<hr/> 800 <hr/>
Total ..	<hr/> 67,783 <hr/>

*Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1937-38.*

<i>Object.</i>	<i>Expenditure.</i>
	Rs.
<i>Clubs.</i>	
Financial assistance to Flying Clubs in India .. .. .	<hr/> 21,000 <hr/>



<i>Object.</i>	<i>Expenditure.</i> Rs.
<i>Research.</i>	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England .. .. .	1,022
<i>Training.</i>	
Training of Indians in wireless telegraphy .. .. .	2,844
Training of certain scholars in multi-engined aircraft .. .. .	2,446
Training of 2 Indian ' B ' Pilots as Pilot Instructors .. .. .	895
Further training of Mr. Ghatge in multi-engined aircraft .. .. .	1,372
Financial assistance to Mr. B. S. Leete, temporary Technical Officer on the staff of the Director of Civil Aviation in India, in instrumental blind flying .. .. .	600
Training of Mr. P. D. Sharma in multi-engined aircraft .. .. .	525
Financial assistance to Mr. B. L. Dhawan .. .. .	1,895
	10,577
<i>Experimental.</i>	
<i>Aircraft.</i>	
Experiments for determination of performance tests of aircraft .. .. .	84
Investigation of airlocks on certain types of aircraft engines .. .. .	125
Transfer of B. A. C. Drone aircraft (purchased for an experimental purpose) from Delhi to Karachi .. .. .	643
Purchase of propeller for B. A. C. Drone .. .. .	78
Repairs to B. A. C. Drone aircraft .. .. .	82
	1,012
<i>Lighting.</i>	
Lighting of the Qutab Minar (carried forward from 1936-37) .. .. .	1,159
<i>Wireless Telegraphy.</i>	
Experimental work with direction-finding radio receiving apparatus .. .. .	395
<i>Works.</i>	
Special treatment of the experimental runway at the Civil Aerodrome, Allahabad .. .. .	158
Experimental cement grouting of the runways at the Civil Aerodrome, Juhu .. .. .	381
Experimental provision of a temporary ceiling in the new Government hangar at the Civil Aerodrome, New Delhi .. .. .	821
Construction of an experimental pontoon in the Jumna at Delhi .. .. .	2,488
Provision of sturtevant pneumatic despatch tubes in the Willingdon Air Station, New Delhi, as an experimental measure .. .. .	3,171
	7,022

<i>Miscellaneous.</i>					<i>Expenditure.</i>
<i>Object.</i>					<i>Rs.</i>
Maintenance and operation of the Government aeroplane					
Avro X	VT-ACT	..	..	..	1,765
Total					43,952

## ELECTION OF TWO MEMBERS TO THE CENTRAL ADVISORY BOARD OF EDUCATION IN INDIA.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir I beg to move :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education in India, with effect from the 10th September, 1938.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education in India, with effect from the 10th September, 1938.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : I may inform Honourable Members that for the purpose of election of two members to the Central Advisory Board of Education the Notice Office will be open to receive nomination upto 12 noon, on Thursday, the 18th August, 1938, and that the election, if necessary, will be held on Monday, the 22nd August, 1938. The election which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in the Secretary's room in the Assembly Building between the hours of 10-30 A.M. and 1 P.M.

## THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

**The Honourable Mr. R. M. Maxwell** (Home Member) : Sir, I move :

“ That Mr. H. Ronson, Mr. Muhammad Nauman and Mr. N. A. Faruqui be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Dow, Khan Bahadur Muhammad Anwar-ul-Azim and Mr. P. A. Menon who have ceased to be Members of the Assembly.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That Mr. H. Ronson, Mr. Muhammad Nauman and Mr. N. A. Faruqui be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Dow, Khan Bahadur Muhammad Anwar-ul-Azim and Mr. P. A. Menon who have ceased to be Members of the Assembly.”

The motion was adopted.

## THE INDIAN TEA CESS (AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose.”

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I introduce the Bill.

## THE EMPLOYMENT OF CHILDREN BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill to regulate the admission of children to certain industrial employments.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to regulate the admission of children to certain industrial employments.”

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I introduce the Bill.

## THE EMPLOYERS' LIABILITY BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : Sir, I beg to move for leave to introduce a Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.”

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I introduce the Bill.

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. C. M. G. Ogilvie** (Defence Secretary) : Sir, I move :

“ That the Bill to amend the criminal law be taken into consideration.”

[Mr. C. M. G. Ogilvie.]

In the first place, Sir, I think it must be clear to everyone that this Bill is entirely non-contentious. (Interruptions.) Though there may be, of course, differences as to the manner in which the Bill has been drawn up, and it may be held that there is room for amendments in various ways, I cannot imagine that the principle underlying it will not be accepted by everyone, and that no one would object in in any way to the activities, briefly outlined in the Statement of Objects and Reasons, being penalized as dangerous to the State. How dangerous they are I propose to explain in some little detail, and, when I have, I think it will be abundantly clear that no one who is a loyal subject of His Majesty the King-Emperor can tolerate the activities of this kind any longer (Interruptions),—and I am sure we all here are loyal subjects of His Majesty the King-Emperor. Now, there is a body of persons in this country who hold the belief that a general world-war is imminent. The body to whom I refer are not unique in this respect. There are others also who share the same belief. But they are unique in the preparations which they are making for it. Now, there have been, in all countries, people who, for one reason or another, have sided with a particular enemy rather than with their own country, and often I believe it has been a case of conscience. But the body to whom I refer have no particular enemy in mind. They say that anyone, any power which is the enemy of the British Empire is our friend.

**An Honourable Member :** Who are they ?

**Mr. C. M. G. Ogilvie :** In fact the force behind their campaign, which is wide-spread, well-organized and intense, is hatred of the British connection,—hatred to such a degree that, provided that they could share in some way in the collapse of the Empire, they would be prepared to face even their own utter ruin. I have noticed that, as a general rule, they tend to slur over the future, what will happen when the British Empire is no more and the last Englishman has been ousted from India. As a general rule, they are very vague about that. Occasionally, I found the belief expressed that the power or powers who will ultimately overthrow the British will give them their independence, the independence of India, free and untrammelled, as a reward for their services in securing the defeat of the Empire. Occasionally, also I have seen the view expressed that the resources of India herself would be sufficient to deal with the enemy or enemies who had overthrown the Empire. But normally nothing is said at all. These people have concentrated upon the one thing.....

**An Honourable Member :** Who are these people ? Name them.

**Mr. C. M. G. Ogilvie :** They have a saying in the army. No names, no pack drill, and to that I intend to stick at present. I have given you a rough general idea of the policy which lies behind this campaign.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : It is very rough indeed.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Give us a fair idea.

**Mr. C. M. G. Ogilvie :** I very much regret that it is not exaggerated. I wish it was. In the early days of this campaign it began to become acute about October last, though it had been going on slightly for some months before that. In December, a speaker said :

† “ \* \* \* \* \* ”

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : May I ask what the Honourable Member is reading from ?

**Mr. C. M. G. Ogilvie :** I am reading from some notes. I am entirely unable to remember the details of 280 odd meetings from which I have selected them.

**Honourable Members :** Where were these meetings held ? Who reported them ?

**Mr. C. M. G. Ogilvie :** They are reported by persons who were present there.

**Honourable Members :** Were they reported by the C. I. D. ?

**Mr. C. M. G. Ogilvie :** I daresay in some cases they were reported by the C. I. D. In other cases, they were fully reported in the press. No doubt, Honourable Members themselves would have seen them in some papers.

Another meeting was held in October, 1937, and the speaker at this meeting was perhaps a little more explicit than many are.

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : On a point of order, Sir. Is it possible for the Members of this House to verify the references from which these extracts are being read out unless the proceedings of the meetings and the speeches are placed on the table of the House ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I suppose what the Honourable Member is reading out will be embodied in the proceedings of the House.

**Mr. M. S. Aney :** But how can we verify them ?

**Mr. President** (The Honourable Sir Abdur Rahim) : After the Honourable Member has finished his speech, he can make over the documents or some copies of them.

**Mr. C. M. G. Ogilvie :** I have no copies which I can make available.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, on a similar debate on a previous occasion, the extracts from the speeches were printed and circulated to the Members. The debate was on the Criminal Law Amendment Bill.

**Mr. N. M. Joshi** (Nominated Non-Official) : These may be all imaginary.

**Mr. President** (The Honourable Sir Abdur Rahim) : I understood the Honourable Member to say that he would have them circulated.

†Not printed by order of the Honourable the President passed on the floor of the House.

**Mr. C. M. G. Ogilvie** : I have got no copies which I can circulate. This information has been collected.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member will have some copies made and then circulate them.

**Mr. C. M. G. Ogilvie** : I am prepared to circulate the statement which I shall make in the course of my speech.

**Mr. S. Satyamurti** : May I submit, Sir, that it is a well-known Parliamentary practice that Honourable Members of the Government who may quote from any documents ought to lay them on the table of the House ? If my Honourable friend reads from his own notes, I have no quarrel with him. If they are prepared for him, I should like to know who prepared them for him.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has naturally prepared his notes himself. But if he is reading from any document, that document should be laid on the table of the House.

**Mr. C. M. G. Ogilvie** : I have no documents, properly so called, on the subject. I have a large number of reports, volumes of them, from my own.....

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : Sir, are we not entitled to know who made those speeches and where and when those speeches were made ? After all, this is a debate and we will have to reply to the points made by the Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can give the information.

**Mr. S. Satyamurti** : Sir, I want a ruling on the point of order. The point of order is that when any Honourable Member of the Government reads extracts from any document, which he holds in his hands, I submit that Parliamentary practice requires that that document should be laid on the table of the House, so that every Honourable Member can look at the document and satisfy himself how far it is genuine.

**Mr. President** (The Honourable Sir Abdur Rahim) : I said at the very beginning that the Honourable Member would lay the documents on the table.

**Mr. S. Satyamurti** : He says he has no documents, and he does not want to place any documents on the table.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is the Honourable Member reading from any documents ?

**Mr. C. M. G. Ogilvie** : I have no documents. I have only rough notes, probably unintelligible to any Honourable Member except myself.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member is reading from some speeches, surely those speeches ought to be laid on the table of the House.

**Mr. Sri Prakasa** : We want fair notes as well as rough notes.

**Mr. C. M. G. Ogilvie** : I will dispense even with my rough notes.

**Mr. S. Satyamurti** : In that case, the extracts that he has already read out should be struck out from the proceedings.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member is not prepared to lay on the table the speeches, those extracts will not go in the proceedings.

**Mr. C. M. G. Ogilvie** : I am prepared to lay these notes on the table.

**Mr. President** (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member has read out has to be laid on the table of the House, otherwise it will not go into the proceedings. Is the Honourable Member going to lay that document on the table ?

**Mr. C. M. G. Ogilvie** : I will lay on the table only that portion which I have read out.

**Mr. S. Satyamurti** : Sir, the whole point of having a document like that placed on the table of the House is to give the House an opportunity of seeing whether the extract was made in a malicious way or whether it was properly done. The whole point is that we must be able to read the whole speech together.

**Mr. President** (The Honourable Sir Abdur Rahim) : I understand the Honourable Member has read only a few speeches. Whatever he has read, he will place that on the table.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhamadan Rural) : I think there is a great deal of room for misapprehension. The Honourable Member read or purported to read the extracts from two speeches. The point that we are placing before you is this that it is not the extracts which he chooses to put before the House on which the House has to judge, but the common sense rule and also a rule of law is that the whole of the document from which he quotes should be available, otherwise that extract will be struck out. That is a point on which we ask your ruling.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : Did I understand the Honourable the Leader of the Opposition to say.....

**Mr. Bhulabhai J. Desai** : I am addressing the Chair.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : I merely want to know what the position is. Did the Honourable the Leader of the Opposition request the Chair to lay down the rule that if, out of a book on one subject of 1,000 pages, five lines are read out, the whole book must be laid on the table ? If it is a speech of 30 pages dealing with various matters and if only three lines are read out, is it your ruling, Sir, that the whole speech should be placed on the table ?

**Mr. Bhulabhai J. Desai** : There is no use of evading the issue. When quotations are read out from a book containing 1000 pages, we shall deal with that when it arises. The only point I am putting to the Chair now is a very simple one. This is a speech which does not cover a thousand pages or a thousand days. The quotation is from speeches

[Mr. Bhulabhai J. Desai.]

made from time to time at supposed public meetings and, therefore, they must be within a reasonable compass. It is my request to the Chair to rule that the whole of the speech should be made available to the House. Otherwise if only an extract is laid on the table it is no use. It is no use giving imaginary instances just for the purpose of drawing a red herring across the trail. May I refer you, Sir, to page 328 of May's Parliamentary Practice. This is also a rule of common sense.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not labour that point.

**Mr. Bhulabhai J. Desai** : If I have made myself understood to the Chair, I do not want to read any further.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable the Defence Secretary has been reading from a particular speech, he ought to place the whole speech on the table of the House.

**Mr. C. M. G. Ogilvie** : I have not the speech before me.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is a well-established parliamentary practice that the whole speech should be laid on the table.

**Mr. C. M. G. Ogilvie** : With a few exceptions, the speeches are not available with me. As regards most of them, I have only a brief version given of the salient points.

**Mr. President** (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member is in possession of ought to be laid on the table.

**Mr. C. M. G. Ogilvie** : Very well, in that case, I will not refer again to any more speeches, though I could refer to a very great number.

**Mr. President** (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member read out, is it the whole speech ?

**Mr. C. M. G. Ogilvie** : No, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Whatever the Honourable Member is in possession, if he wants the quotations he read out to go into the proceedings, must be laid on the table of the House.

**Mr. C. M. G. Ogilvie** : I will not read out any more.

**Mr. President** (The Honourable Sir Abdur Rahim) : What about those he has already read out ?

**Mr. C. M. G. Ogilvie** : They will be laid on the table.

**Dr Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Supposing an Honourable Member reads a quotation from a newspaper and that too only a portion of the speech appearing there. Is the whole newspaper to be laid on the table ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I am not going to deal with all sorts of hypothetical questions.

**Mr. S. Satyamurti** : Your ruling, as I understand it, is that the whole speech should be laid on the table and with this ruling I respectfully agree. Then, Sir, my Honourable friend, I am sorry to have to



use that expression, will not accept your ruling, but he will place only a portion of the speech read out by him. I take it that the logical conclusion of your ruling is that the whole speech should be laid on the table, and not mere extracts from the speeches.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have made it quite clear. I do not know whether the Honourable Member has read out from any speech. If so, the whole speech ought to be laid on the table.

**Mr. C. M. G. Ogilvie** : My only reason for alluding to individual speeches was to make it extra-abundantly clear to my Honourable friends what the type of this activity was. I will, however, refrain from doing so and continue on the general line. The gist of the speeches is approximately the same. Some are definitely much more violent than others, but the majority urge non-enlistment in the army in order that the Empire may find it impossible to obtain any help from India in the coming war or such help as they will obtain will be less than it would otherwise have been. Great stress is laid or has been laid by many of the speakers on the lessons of the war of 1914—1918. They have constantly advised their audiences not to make the same mistake again, but to realise that if they had not assisted the Empire in 1914, they might even now be free of the last Englishman. People have been urged that on no account should they help the Empire, whatever the war, against whosoever it may be for whatever cause, either with men or with money. Even further they have been urged to join the army if they must, but to join it with the intention of revolting, of refusing to obey orders and of mutiny and even in some cases of fighting on the otherside.

**Mr. Sri Prakasa** : Where was this done ?

**Mr. C. M. G. Ogilvie** : I can tell you exactly. But I have no doubt the Honourable Member can guess pretty well. It is now clear, I think, that action is necessary. The reason why this Bill is necessary is due primarily to the fact that the offences I have enumerated are not covered by the ordinary law. No one ever thought, I imagine, of such an offence before.

**Mr. M. Asaf Ali** (Delhi : General) : Sections 131 and 132 *plus* section 109.

**Mr. C. M. G. Ogilvie** : With all due deference to my Honourable friend, they do not cover it. The sections that fall within Chapters VI and VII of the Indian Penal Code do not cover them.

Now, Sir, the Honourable Members can see the nature of the Bill for themselves. It is, in the circumstances, a surprisingly mild one. A maximum penalty of two years imprisonment has been laid down for what in most countries of the world would be punishable with swift and certain death. This activity has been concentrated in the Punjab which as Honourable Members know is the main recruiting ground of India. The reason for concentration there is obvious. If this poisonous propaganda did gain root in the Punjab, then indeed a blow would have been struck at the Indian army. The Punjab Government communicated with the Government of India some months ago and stated that they

[Mr. C. M. G. Ogilvie.]

viewed the situation with anxiety. We watched the growth of the movement with care and we are now satisfied that the fears originally expressed by the Punjab Government were fully justified and that although the number of recruits we require is still coming forward there is grave reason to apprehend that if this propaganda continues unchecked and if it was at some time found necessary to expand the army, the propaganda would be found not to have been in vain. It is concentrated largely in the central districts, but both the recruiting grounds in the west and in the east of the province have by no means escaped notice. Since the opening of this campaign there have been no less than 280 meetings in the Punjab alone. Other provinces have also been visited by this scourge but not to anything like the same extent. A great number of the speakers and agitators come from outside the province and the whole concentration of the campaign is there, to the grave concern of the Punjab Government and the Government of India.

**Mr. Abdul Qaiyum :** The present Punjab Government ?

**Mr. C. M. G. Ogilvie :** Yes, the present Punjab Government. Now the effects of this propaganda, I do not think, are expected even by its authors to be quick. The Punjabee is naturally a loyal and gallant person and is devoted to military service and he is proud of his warlike traditions. But one cannot allow any peasantry, who are usually uneducated and may fall a prey to the wiles of the agitator, to remain permanently exposed to this poisonous propaganda. They do not want it themselves and I am perfectly certain that this Bill would be welcomed by 99 hundredths of the Punjab peasantry.

**Mr. Abdul Qaiyum :** Wait and see.

**Mr. C. M. G. Ogilvie :** I am prepared to do so. I think, Sir, what I have said will have shown that this measure is urgent and in the present state of the world we have no time to lose in scotching it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to amend the criminal law be taken into consideration.”

I have received notice of a number of amendments the object of which is that the Bill be circulated or referred to Select Committee. Mr. Satyamurti has given notice of a somewhat novel motion that the Bill be taken into consideration after nine months and I should like to know from him, if he has got any precedent for this. I know that in Parliament this kind of motion is allowed and the effect of an amendment like that, if carried, is the rejection of the Bill. I do not know if that practice has ever been adopted here, but it cannot be adopted if there is anything inconsistent with our rules and Standing Orders. The relevant Standing Order is No. 39.

**Mr. S. Satyamurti :** I submit, Sir, that there is nothing in Standing Order 39 which is inconsistent with this motion. That Standing Order provides, *inter alia*, that :

“ if the Member in charge moves that his Bill be taken into consideration, any Member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion ; ”

That is not exhaustive of all possible motions. It merely says that the Member may move either of these motions.

**Mr. President** (The Honourable Sir Abdur Rahim) : It says no amendment may be moved except these two.

**Mr. S. Satyamurti** : There " amendment " means amendment to the clauses of the Bill. The amendments contemplated here are amendments which can be moved at this stage. So far as the amendment I have given notice of is concerned, I want to draw your attention to rule 36-A, sub-rule (3) which says :

" For the purposes of this rule and of rule 36B, a ' dilatory motion ' means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill."

Therefore, it is not as if our rules do not contemplate other motions beside those mentioned in Standing Order 39. It is by no means exhaustive.

**The Honourable Sir Muhammad Zafrullah Khan** : Does not that relate to Bills recommended by the Governor General ?

**Mr. S. Satyamurti** : That rule contemplates two stages. The first stage is when a dilatory motion is carried. After it is carried, the Governor General comes into the picture.

**The Honourable Sir Muhammad Zafrullah Khan** : I should like to draw the Honourable Member's attention to that portion of the rule which says :

" Where a dilatory motion has been carried.....or either Chamber refuses to take into consideration or to refer to a Select Committee or to pass any Government Bill,

and thereafter the Governor General recommends that the Bill be passed in a particular form "

then the rest of the rule will come into operation.

**Mr. S. Satyamurti** : Sub-rule (3) refers back to sub-clause (a) of sub-rule (1) of rule 36-A, which uses the words " dilatory motion ", and sub-rule (3) defines " dilatory motion " which relates back to the earlier stages. Therefore, a dilatory motion contemplates three sets of motions : (1) a circulation motion, (2) a Select Committee motion, and (3) an undefined category of other motions which have the effect of delaying the passage of the Bill. Therefore, I suggest that there is nothing in our rules or Standing Orders inconsistent with my amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : That motion, if it has any effect, would mean the rejection of the Bill ; but that is not contemplated here.

**Mr. S. Satyamurti** : I am using this argument merely to answer your first point, namely, to show that there is nothing inconsistent with our rules and Standing Orders and such motions can be made.

**Mr. President** (The Honourable Sir Abdur Rahim) : Our rule contemplates delaying the passage of the Bill, but the Honourable Member's amendment has the effect of rejecting the Bill.

**Mr. S. Satyamurti :** Then, I have to submit a third point that in the matter of precedents, so far there has been no precedent. I want to move that motion, if you permit me, for the purpose that the Bill be rejected. I submit that there is no precedent of a motion of this kind, but at the same time, it is a well-known Parliamentary practice in the House of Commons, as is mentioned in May's Parliamentary Practice, and we follow that practice, unless it is inconsistent with our rules and Standing Orders. And this House must have a chance of rejecting a Bill, without necessarily going through the process of Select Committee or circulation.

**Mr. President** (The Honourable Sir Abdur Rahim) : The motion for consideration of the Bill can be rejected without such motion.

**Mr. S. Satyamurti :** But my object is to get out of rule 36-A. That rule provides that in cases of rejection of a consideration or a Select Committee motion, the Governor General may come in. I do not want that you should be under any wrong impression : I want that this Bill should be killed without any hope of resurrection....

**Mr. President** (The Honourable Sir Abdur Rahim) : You say this is a polite form of rejecting the Bill ?

**Mr. S. Satyamurti :** Yes. I want to kill it in a polite form and an effective form. Rule 36-A will go out of the way. This Bill cannot be revived. The point I am fighting for is this : that it ought not to be possible for the Governor General to give fresh life to this Bill....

**Mr. President** (The Honourable Sir Abdur Rahim) : That will be inconsistent with the constitution.

**Mr. S. Satyamurti :** It is a polite form of telling the Government that they cannot revive this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : Are there any precedents ?

**Mr. S. Satyamurti :** It is for you, Sir, to create precedents : it is your high privilege. I want to read to you, if I may, from May's Parliamentary Practice :

“ The ordinary practice is to move an amendment to the question by leaving out the word ‘ now ’ and adding the words ‘ three months ’, ‘ six months ’ or any other term beyond the probable duration of the session. The postponement of a Bill in this manner is regarded as the most courteous method of dismissing the Bill from further consideration, as the House has already ordered that the Bill shall be read a second time ; and the amendment, instead of reversing that order, merely appoints a more distant day for the second reading. The acceptance by the House of such an amendment being tantamount to the rejection of the Bill, if the session extends beyond the period of postponement, a Bill which has been ordered to be read a second time upon that day ‘ three months ’, is not replaced upon the notice paper of the House.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member in such a case cannot.....

**Mr. S. Satyamurti :** As my Leader reminds me, I do not want you, Sir, to go into that and give a ruling on that question. I am not asking you now to give a contingent ruling as to what will happen, if they bring back the Bill. It will be for the Chair to rule at that time if any

such attempt is made. Since there is no inconsistency and since there is the well-known precedent of Parliamentary practice, I submit I am in order in making this motion.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, for the purpose of definition of a dilatory motion the Honourable Member has referred to sub-rule (3) of Rule 36A. That sub-rule lays down the definition of a dilatory motion for the purpose only of that rule and rule 36B, obviously meaning that this definition is not applicable to that expression if it is used elsewhere ; otherwise there was no question of limiting it to those two rules. Those two rules have application only to a recommended Bill. Therefore, the Honourable Member is not right in saying that that is the definition of a dilatory motion and, therefore.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Is it defined anywhere else ?

**The Honourable Sir Muhammad Zafrullah Khan :** No ; but the definition applies only to recommended Bills.

**An Honourable Member :** No, no.

**The Honourable Sir Muhammad Zafrullah Khan :** Ordinarily, therefore, the object of Standing Order 39 or the ambit of that Standing Order is not thereby widened.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : What is the past practice of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** There has been nothing of this kind before : Standing Order 39 contemplates only two motions which can be moved as amendments to the consideration motion. Sub-rule (3) of Rule 36A lays down what kind of motion can be made at certain stages of a recommended Bill ; and my submission is that what is laid down in that sub-rule cannot be said to apply to an ordinary Bill.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, the Honourable the Leader of the House has not read the opening portion of rule 36A at all ; otherwise he would not have made the observations that he did. Rule 36A says this :

“ Where a dilatory motion has been carried in either Chamber in respect of a Government Bill.... ”

That is, when the Bill is first introduced. Therefore, the words “ dilatory motion ” have no reference to a recommended Bill at all. I must first call attention to that point. That is made plain by the opening part of the rule. When a dilatory motion has been carried then the power of recommendation arises. Let me read out the whole, only stressing the point so that it may not be lost :

“ Where a dilatory motion has been carried in either Chamber in respect of a Government Bill.... and thereafter the Governor General recommends that the Bill be passed, etc., etc.”

**The Honourable Sir Muhammad Zafrullah Khan :** You are right.

**Mr. Bhulabhai J. Desai :** I am glad. Then the argument is very short. That being so, the definition applies to the motion at this stage, meaning the stage at which the Government have brought in the Bill. Therefore, you go back to the definition now. I will come to Standing

[Mr. Bhulabhai J. Desai.]

Order 39 in a moment, "for the purposes of this rule" meaning and including the present stage, namely, at the time when a dilatory motion is made when the Government brings in the Bill.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The object of this motion is to delay the Bill.

**Mr. Bhulabhai J. Desai** : I am coming to that : they cannot get away with a thing like that. I will deal with May's Parliamentary Practice in a moment and I only ask for a little forbearance. A dilatory motion includes any motion which will delay the passage of the Bill. Now, in terms—and in fact the motion says "the Bill be now taken into consideration", and you substitute the words "taken into consideration after three months", in terms, whatever its conventional effect is—remember that, Sir,—in terms it delays the passage of the Bill. That is why these rules have been drawn with some knowledge of parliamentary practice. Therefore in terms—I am emphasising that and I cannot emphasise it too much—if the motion is carried that the Bill be taken into consideration after three months, in so far as the actual motion is concerned, its effect is to delay the passage of the Bill. What its conventional result is, is another matter. You may hold contrary to our contention in the times to come that the effect of this is not to kill the Bill. That is a later stage : it has nothing to do with it now. The only motion that the House is now called upon to deal with, and you, Sir, to give a ruling on, is the motion which, if carried, will delay the passage of the Bill, for it says "Do not consider it now : consider it six or nine months hence".

Then, we come to Standing Order 39 : I respectfully submit that that Standing Order does not in the least degree bar any such motion. It undoubtedly mentions two motions or rather two well-known types of motions at this stage, namely, the motion for circulation and the motion to refer to Select Committee. My submission is this. It is quite clear that at this stage where a Member asks that his Bill be taken into consideration, it is quite competent to a Member of the Opposition to move any motion by way of an amendment of a dilatory nature, that is to say, which will delay the passage of the Bill. I want to emphasise the question,—and the Chair should not be misled,—as to whether or not we have acquired the right, a right which we believe to have acquired, but which we may or may not have acquired. If that motion is carried, and if this Bill comes in as a recommended Bill under 36A,—the words are these—"and thereafter the Governor General recommends that the Bill be passed in a particular form", etc., it is quite competent under 36A for my friends to contend that such and such dilatory motion has been carried and they are entitled to bring in a recommended Bill. To what extent we can then give effect to the parliamentary practice, which is not a rule of law, but which is a rule of convention, to what extent you will give effect to it, is a matter which need not be imported into the consideration of the question whether or not we are entitled to make this dilatory motion.

**Mr. M. S. Aney** : Sir, I wish to make a few observations on two points,—first, whether a motion in question can be entertained or not, and secondly, what is the effect of it, the latter is a point for you to consider later on. First, we are considering whether the motion should now be considered by the House or not. In the first place, I would say,

as has been pointed out by the Leader of the Opposition, that in Rule 39, sub-clause (2), only two kinds of motions have been specified by way of amendment to the substantive motion that the Bill be taken into consideration. The first is that the Bill be referred to a Select Committee, and the second is that it shall be circulated for opinion. But when we go back to rule 36, it is clear that the framers of the rule contemplated that there could be some other motion also of a dilatory nature, it could be entertained and considered by the House in connection with any Bill before the House. If that is not so, the introductory part of rule 36A, where a reference is made to dilatory motions, becomes meaningless. If dilatory motions can be carried as regards any Bill that is moved for consideration in the House, and then the definition of a dilatory motion given in sub-clause (3) has an importance of its own. That definition unquestionably includes a motion of the kind which my friend, Mr. Satyamurti, proposes to move now. According to that definition a dilatory motion does not mean only the two kinds of motions, or the only two categories of motions mentioned in rule 39, but besides these two, some other motions to which specific reference is made in sub-clause (3) of rule 36A. This is what is stated here :

“ For the purpose of this rule and all such rules, a dilatory motion means a motion that the Bill be referred to a Select Committee or that it should be circulated for opinion.....or in addition any other motion, the effect of the carrying of which will be delaying the Bill.”

This is at page 93. So it means not only the two motions mentioned in 39, but a third motion or some other motion whose net effect will be to delay the passage of the Bill. Therefore, I think Mr. Satyamurti will be perfectly in order in moving a motion of that kind.

Now, the second question which seems to have also been under your consideration is this, that a motion of that nature has always been regarded in parliament as a motion for rejection and it will have to be taken to have the same effect here if carried. That may be so. Its effect may also be rejection here in accordance with the convention observed by the Parliament of England. It is for the first time a motion of that kind has been tabled here,—whether we should observe that convention or not is, I submit, not the point with which you are immediately concerned. So far as the actual wording of the motion is concerned, it virtually means only that the passage of the Bill is being delayed, and, therefore, it comes exactly within the purview of the dilatory motion defined in the sub-clause which a member can move under rule 39 read with rule 36A. I think Mr. Satyamurti is furnishing a new weapon of fight to this House, and I hope that you will hold that the motion is quite in order.

**Dr. Sir Ziauddin Ahmad :** Sir, may I draw your attention to one point,—that rule 36A at page 92 relates to the power to reintroduce a Bill and not to introduce a Bill for the first time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Satyamurti has given notice of a motion to this effect, that after the words “ taken into consideration ”, the words “ after nine months from now ” be inserted. This is a form of motion which, so far as I know the practice of this House, has never been used, and that is why there is no precedent to show whether such a motion is in order or not. Mr. Satya-

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murthi admits that he has taken this from May's Parliamentary Practice, at page 390, where it is laid down that "the ordinary practice is to move an amendment to the question by leaving out the word 'now' and adding the words 'three months', 'six months' or any other term beyond the probable duration of the session". The postponement of a Bill in this manner is regarded as the most courteous method of dismissing the Bill from further consideration, as the House has already ordered that the Bill be read a second time and the amendment, instead of reversing that order, merely appoints a more distant date for the second reading. The acceptance by the House of such an amendment being tantamount to the rejection of the Bill, if the Session extends beyond the period of postponement, a Bill which has been ordered to be read a second time upon that day "three months", is not replaced upon the notice paper of the House. Therefore, as Mr. Satyamurti very rightly admitted, his object in moving this motion is that the motion for a second consideration should be rejected at once.

Now, I have got to see, in the absence of any precedent or practice in this House, whether such a motion is in order having regard to our own rules and Standing Orders. The matter of motions which can be moved when motion for consideration has been moved is specifically dealt with in Standing Order 39,—that is, what motions are admissible when a motion is moved for the consideration of a Bill. What Standing Order 39 lays down is this—that at this stage,—that is the stage of the Second Reading of the Bill or the motion for taking the Bill into consideration, no amendment to the Bill may be moved, but if the Member in charge moves that his Bill be taken into consideration, any Member may move, as an amendment, that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

Now, the two amendments contemplated and which, according to the Standing Order, are permissible at this stage are either a reference to Select Committee or circulation for eliciting opinion. That seems to me to be quite specific so far as Standing Order 39 goes. Now, I have been referred to rule 36A, especially to sub-clause (3) which contemplates a dilatory motion not only by referring the Bill to a Select Committee or for circulation for the purpose of eliciting opinion, but also some other motions the carrying of which will have the effect of delaying the passage of a Bill. That only shows that it is possible to have dilatory motions other than those two which are specified in Standing Order No. 39. But what I have got to see is this. The Standing Order which deals with what motions can be moved at this stage, that is, the stage of consideration, is quite specific and clear that only two such motions are admissible, that is, a motion for reference to a Select Committee or a motion for circulation of the Bill for eliciting public opinion thereon. At present it is not necessary for me to consider whether there may or may not be other dilatory motions, but professedly Mr. Satyamurti does not want this to be treated as a dilatory motion. He wants that it should have the effect of a rejection of the Bill altogether. That is why he has framed his motion in the words suggested in May's Parliamentary Practice,

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page 390. I, therefore, rule that this motion is not in order. It is contrary, in my opinion, to Standing Order No. 39 and contrary to the practice that has always obtained in this House.

**Mr. S. Satyamurti** : I am not moving No. 2.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) : I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the end of January, 1939.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the end of January, 1939.”

**Mr. S. Satyamurti** : I want to move No. 4. I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon till the 30th September, 1939.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon till the 30th September, 1939.”

**Sardar Sant Singh** : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th October, 1938.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th October, 1938.”

Does any Member wish to move his motion for reference to a Select Committee ?

**Sardar Sant Singh** : May I know, Sir, this ? If this motion is carried, no question of reference to a Select Committee will arise, but if it is defeated, then will I have a right to move my motion for reference to a Select Committee ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought to move it now. I think there ought to be one debate on the main motion itself and on these two motions, namely, motion for reference to Select Committee and the motion for circulation.

**Sardar Sant Singh** : I am not moving my motion for reference to a Select Committee.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadian Rural) : I have also given notice of an amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : If it is the object of any Member that by giving notice of an amendment he should have priority over other speakers, he will be mistaken.

**Mr. Lalchand Navalrai** : That is not my object, Sir. I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st February, 1939.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st February, 1939.”

Now, the debate will proceed on these motions for circulation and the original motion.

**Mr. S. Satyamurti** : Sir, I have heard the Honourable the Defence Secretary, with all respect and the courtesy due to the gentleman who represents the defence forces of this great country of ours. I have not heard a more unconvincing speech even from Government Benches all these four years of my existence here. He began by trying to make out a case, in fact, he had tried to make it in his Statement of Objects and Reasons, namely :

“ A large number of public speeches designed to dissuade persons from enlisting in the Defence Forces or, in the alternative, to incite would-be recruits to commit acts of mutiny or insubordination after joining those Forces have come to notice during the past eighteen months.”

He went on, without any reference to the date, the time, the personality of the speaker, the audience he addressed, or the place where he addressed, to give one or two extracts from speeches which we knew at once from our long experience of Criminal Investigation Department reports of our speeches, were torn out of their context, and were sought to mislead him and this House if possible. Therefore, we very rightly raised a point of order that, if any Government Member wants to read from documents, he must place them on the table of the House, and you ruled, if I may say so respectfully, rightly, that those documents should be placed on the table of the House. What was the sequel ? The speeches disappeared ; there are no speeches : some extracts alone. He dared not place them on the table of the House. I ask the House respectfully to draw the natural inference from the infructuous attempt to mislead the House by promising them contributions, bloodcurdling I expected, from speeches asking people not to enlist and inciting them to mutiny. And we find the sequel a debacle. Therefore, the first sentence in the Statement of Objects and Reasons remains thoroughly unproved. There is no evidence which has been placed or can be placed, under Parliamentary practice before this House, of any of these speeches intended to have these effects. My Honourable friend cannot plead that, when he put this sentence in the Statement of Objects and Reasons, he was not aware of Parliamentary practice. If he were not, he ought to see to it that the Governor General's Executive Council makes better provision for instructing Honourable Members of this House in the ordinary elements of Parliamentary practice. That is, so far as the first argument based on speeches is concerned.

Then, Sir, he talked of loyal subjects of His Majesty not encouraging these activities. I wish he had not entered into this realm. There is no use trying to drag in the King or loyalty every time you have got a weak case. I do not want to imitate. This Bill stands or falls or ought to stand or fall on its own merits, whatever the inner psychological reactions of self-respecting Indians may be to foreign rule. I do appeal to him as a free Englishman himself to realise that it is a dangerous game to appeal to a country and its peoples, whom you are ruling

and somehow or other to try to exploit their so-called "loyalty" Let us leave that subject alone. It is undignified even in the House of Commons to draw the King into the discussions. It is not done. Your Bill must be judged on its merits. There is no use one trying to be more loyal than the King himself. Let us leave that argument alone.

**Mr. Sri Prakasa :** There is no loyalty when you want to change him.

**Mr. S. Satyamurti :** That is so, as my friend humorously points out. When I saw his (the Defence Secretary's) expanding chest, his rising figure, and his expanding hands, I was nearly frightened as to what will happen to the world when the British Empire is no more. What will happen ? What will happen is, peace, plenty, and happiness will reign everywhere. The British Empire today is the greatest challenge to the peace and prosperity of the world, and your own people, the Britishers, will recapture some of their ancient qualities. I want to remind my friend in a friendly way that his race have lost all the characteristics which they once had, because of this millstone of an Empire round their necks. You may rejoice in your Benches here that you are ruling over us, but the Gods are jealous. You are ruling us, but you are being ruled by a small clique dictated by money and vested interests in your own land, and you are losing your sense of freedom, in your pursuit of Empire. I want to remind my friend that the death of the British Empire will be the greatest service to Great Britain, to India and to the world.

Then, Sir, he made another statement. I took his words down, that these speeches asked people not to enlist in the defence forces, so that England may not get help from India in the next war. I want to remind my friend of the implications of this statement. Under the old Government of India Act of 1919, no Indian forces could be employed outside India except with Parliamentary sanction. No doubt we have changed it in the new Act, but even under the new Act, in the Instrument of Instructions, it is laid down that the Governor General shall consult the Ministers before agreeing to send Indian forces outside India ; and, therefore, it seems to me that to ask people not to enlist in the army in order that England may not get help from India, in the next war, is perfectly consistent with the most loyal Indian citizen's conceptions of duty ; and I will tell you how. Take your own self-governing dominions. Take Canada, take South Africa. I have no doubt that General Hertzog is still loyal to England and that Canada is still loyal to England but I have seen, and I ask him to contradict me, if I am wrong, responsible Prime ministers and ministers of Canada and South Africa saying in their Parliaments and on public platforms that their armies will not be available to England in the event of the next war, unless they themselves agree to that war. That is the position undoubtedly under the Statute of Westminster ; and, so far as Ireland is concerned, her history in this respect is too recent. I do not want to point the moral from that country. But I think India, in claiming that her soldiers ought not to be automatically available to Britain in the next war, is asserting the right which all self-governing dominions have been allowed to assert with the full knowledge and consent of Great Britain and it is a position, I think, which all Indians in this

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country, without any exception whatever, and all sections of the House completely agree to. We will not be parties to the defence forces of this country being available to Britain.....

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. S. Satyamurti :** Mr. Deputy President, while we adjourned for Lunch, I was talking about the argument of the Honourable the Defence Secretary that there have been speeches asking our countrymen not to enlist in the army, with a view to preventing that army being used by England in her next war, and I was saying that every self-governing Dominion has reserved that power for herself, whether she will take part in Britain's next war or not. Speaking on September 29th, 1936, in the Ninth Plenary Meeting of the League of Nations the Canadian Prime Minister, the Right Honourable Mr. Mackenzie King said :

“ There is another factor which inevitably influences Canadian opinion on many League policies, and particularly on the question of automatic obligations to the use of force in international disputes. I have in mind our experience as a member of the British commonwealth of nations. The nations of the British commonwealth are held together by ties of friendship, by similar political institutions and by common attachment to democratic ideals rather than by commitments to join together in war.”

And I want the Honourable the Defence Secretary and the House to note the words which follow :

“ The Canadian Parliament reserves to itself the right to declare, in the light of the circumstances existing at the time, to what extent, if at all, Canada will participate in conflicts in which other members of the commonwealth may be engaged.”

That is all we claim for India,—that, when we are going about telling our countrymen not to be mercenaries in another country's war, we are doing no more than what the Canadian Premier said was Canada's attitude before the League of Nations. Will the Honourable the Defence Secretary accuse the Right Honourable Mr. Mackenzie King of want of loyalty when he said that ?

**Mr. C. M. G. Ogilvie :** Most certainly not.....

**Mr. S. Satyamurti :** I have got enough ; I am quite content with that answer. Therefore, what is meat for Canada is poison for India ! I leave it to the House to judge for itself whether this argument is sound or not.

**Mr. C. M. G. Ogilvie :** Most unsound.

**Mr. S. Satyamurti :** The Canadian Premier continued :

“ Certainly this experience between the commonwealth and England and Canada has had an effect in convincing Canadians of the possibility of preserving close and friendly co-operation, without the existence of a central authority, or of military commitments.”

Sir, I think, after that, it would require more courage, than even my friend, the Defence Secretary, possesses, to come forward and say that our speakers cannot make such speeches,—and I claim it as the inherent

right of the citizen of any free and self-respecting country to preach pacifism and to ask his countrymen not to be mercenaries for another country. And although I have not been able to place my hand on the papers, I believe General Hertzog has said something stronger as regards South Africa's attitude in Britain's future wars.

My Honourable friend said that these offences are not covered by the ordinary law. I will not go into the legal argument elaborately; to the extent to which offences known to civilized jurisprudence ought to be punished, they are covered by the existing law. To the extent to which they are not so covered, this law is barbarous and primitive, and seeks to punish as offences the inherent right of every freedom-loving citizen in any country, that is, his freedom of speech. Then, the Defence Secretary made an admission, which I trust has not been lost even on those doubtful Thomases in this House to whom my Honourable Leader referred the other day, who may be inclined to support this Bill. He said that the number of recruits is still coming forward. Then, why this Bill? Now you cannot make the mistake of expecting an intelligent and self-respecting House like this to vote for you, when you give away your case by saying that the number of recruits is still coming forward.

Now, Sir, I will sum up my condemnation of Mr. Ogilvie's case. The speeches which were alluded to in the Statement of Objects and Reasons are *non est*, they cannot be produced, and the Honourable the Defence Secretary dare not produce them. As for our asking our people not to join in the next British war, we have the high authority of the Canadian Prime Minister, and as for our right to preach to our countrymen not to become mercenaries of another country, in the interests of pacifism, of civilized humanity behind our back. Therefore, I suggest that, apart from positive arguments in favour of this drastic Bill, the poverty or even the non-existence of a single argument in favour of this Bill ought to be argument enough for every Member of this House, who is free to vote according to his conscience, to walk into the lobby against this Bill.

Having disposed of the Honourable the Defence Secretary and his Statement of Objects and Reasons, I will now, Sir, address the House on the question of the other argument which he put forward, namely, that the Punjab Government wanted this law, very badly. On this matter, I very nearly raised a point of order, but I am not clear in my own mind; therefore, I do not propose yet to raise that point of order. I will only see how things develop in this country and in this House; but taking this subject of a Bill to amend the "criminal law", taking the words as they are, and taking the Seventh Schedule of the Government of India which gives the lists,—federal, provincial and concurrent,—I do claim—I am not asking for a ruling now—that *prima facie* this Bill falls under the concurrent legislative measures. Item one says, "criminal law"—it does not stop there—"including all matters included in the Indian Penal Code at the date of the passing of this Act". Now, what do those words mean—"including all matters in the Indian Penal Code at the date of the passing of this Act"? Let us take the Indian Penal Code. In Chapter Seven we have: "of offences relating to the army, navy and air force", and the words are: "whoever

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abets the committing of mutiny by an officer", etc., etc., "whoever abets the assault or the desertion," and so on and so forth; and section 139 exempts all persons subject to the various Acts governing the defence forces. I should like some Honourable Member of this House who can do so to throw some light on this matter. What do these words, "including all matters included in the Indian Penal Code at the date of the passing of this Act" actually mean? Do they, or do they not, include all offences relating to the army, navy and air force? And if you look at clause 2 (b), and if that clause means anything at all, it means that this action which they want now to condemn is contained in the Indian Penal Code, and that is reproduced in clause 2 (b). But the point I want to raise is, if it is concurrent, which is the proper legislature? I quite agree that, under the Federal subjects, list No. 1, His Majesty's naval, military and air forces are also included. There is also an item called item No. 42 in that list which says, "offences against laws with respect to any of the matters in this list", but still it does seem to me that this matter requires careful consideration. And, where it is a matter of concurrent legislation, I do not see why we should be called upon to carry the baby for the Punjab Government. My Honourable friend, the Defence Secretary, said that the Punjab Government have pressed this. Then, I suggest that the Punjab Government should have taken the responsibility upon themselves, of dealing with this matter and not thrown it upon us.

Now, Sir, so far as this particular motion for circulating the Bill to elicit public opinion on it is concerned, let me make my position perfectly clear. We feel that this Bill is so bad, so rotten, so mischievous, so unwanted, and so insulting to the intelligence and patriotism of this House, that it ought to be buried and be heard of no more. I believe that it will be a waste of public time and money and energy to invite public opinion on it. I can conceive of no honest public opinion outside this House in this country, which will support this Bill to any degree or in any form. I, therefore, believe, that it is sheer waste of time to do that. But, in view of the Honourable the President's ruling, I have moved my motion, and Honourable Members will note that my date is 30th September, 1939, by which time this House will, according to the present expectation, be dissolved. Therefore, let me make it perfectly clear that we want to hear no more about this Bill at all.

Now, Sir, take the preamble of the Bill. It says :

"Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in  
...."

The word 'acts' there is misleading. The whole purpose of this Bill is to punish *speeches*, without any overt act at all. It is an uncivilized form of criminal law. What is expected by the Government on the passing of this Bill, if that calamity ever happens, is, without any overt act at all, that if anybody makes a speech which may be construed to be an attempt to dissuade the public or somebody from entering the forces, he shall come within the mischief of this law. What you are

going to punish is an expression of opinion without any overt act whatsoever. Then, the preamble goes on :

“prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces.”

I do not know what the Honourable the Defence Secretary means by saying in clause 2 (a) which runs thus :

“Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air Forces of His Majesty.”

I say this is too sweeping in its implications, and I want to quote in support of the position, we are taking with regard to this Bill, the *Madras Mail*, a European paper, which is not very friendly towards the Congress and which always supports the Government. This is what the *Madras Mail* writes on this very particular Bill :

“We profoundly disagree with the view recently put forward in London by Pandit Jawaharlal Nehru of the role of India in a future war in which the Empire was involved ; but we have no wish to see Mr. Nehru sentenced to imprisonment for two years, or a fine or both for expressing views which he is perfectly entitled to hold. (I may add that all these speeches were made in London and His Majesty's Government have not taken fright and have not prosecuted Mr. Nehru.) Whether such speeches as were held to be harmless in London would in India come within the mischief of the proposed legislation, it is difficult to say. But it may be foretold that if they did, the effect of Indian opinion would be very much more serious than any which these or similar speeches have had on recruiting. It would seem to be necessary to scrutinise the Bill very carefully. Obviously, incitement to mutiny and insubordination should be punished under the existing law. Any new and vague provisions may penalise those who are thinking out for themselves the position which India of the future will occupy in the world at large.”

Therefore, I suggest that there has been, to my knowledge, no newspaper, not, I believe, even the *Statesman* or the *Times of India*—certainly no Indian newspaper,—which has supported the Government on this Bill. I think there is no public opinion, and there can be none in favour of this Bill.

Then, I come to clause 2 (b) which says :

“Whoever without dissuading or attempting to dissuade any person from entering such Forces, instigates the public or any person to do, after entering any such Force, anything which is an offence....”

I wish to confine myself to the words :

“instigates the public or any person to do, after entering any such Force, anything which is an offence punishable as mutiny or insubordination.”

What do these words mean ? What is the proof that the public were incited to commit acts of mutiny after they had joined these forces ? Which is the public contemplated out ? What is the proof Government are thinking of ? When we enact any penal legislation, we cannot be too careful about our words. What do these words really mean ? I want to tell this House that I have examined all the sections of the Indian Army Act, the Naval Act and the Indian Air Forces Act, and without troubling them with the necessary references I can say that all these sections govern only the members of His Majesty's Forces and for all of them ample provision is made in the existing law. Unless you want to punish something which is vague and indefinite in your own mind but which you want us to vote on blindly, I should like the Honourable the Law Member or the Honourable the Home Member or somebody else who can to throw light

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on the legal implications and scope of clause 2 of this Bill. What is the offence you seek to punish, and how are you going to prove it ? Take, for example, clause 2 (a) : " Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air Forces of His Majesty ". A case can be constructed easily. Some soldier or airman may easily tell the Commander-in-Chief : " Sir, I am a very loyal and patriotic person but I was dissuaded by Pandit Jawahar Lal Nehru and Mr. Bhulabhai Desai not to enter the army, but my patriotism has triumphed over their dissuasion and I am here as your humble and devoted servant." His testimony can prove to some Magistrates that there was an attempt on the part of these esteemed Congress or other leaders to dissuade or attempt to dissuade this gentleman from entering the army. I should like, therefore, this matter to be carefully and fully explained. Another difficulty for me is this. If a person commits an act of mutiny, some time after his entry into these forces, how are you going to connect the incitement, when he was not in the army, by some unknown or unnamed person with his act of mutiny ? I can assure the House that when anybody commits an offence of this kind and is tried, he will always plead that he was the unwilling tool of some designing person outside. This Bill, if it ever becomes the law, will be a constant temptation to the members of the defence forces, whenever any of them, unfortunately, commits mutiny or insubordination, to try to throw the blame on somebody outside. You are really encouraging indiscipline and disloyalty in your forces, by trying to make it possible for these people to put forward such excuses. I do not think that it is the intention of the Government, but the wording gives me no option.

Then, Sir, my Honourable friend, the Law Member, knows, and I think several Honourable Members of this House know that the sections of the Indian Penal Code about abetment are amply sufficient to cover all this. Only the offences under the Indian Penal Code are subject to the general exceptions, and the burden of proof lies upon the Crown which it must discharge, before it can ask the Court to convict the accused. But in this Bill, you throw the burden on the accused. You say that so-and-so has been dissuaded or has been attempted to be dissuaded and, therefore, such and such a man has committed an offence. If he is innocent, let him prove it. I may say that that argument was put forward deliberately by the Honourable Sir Brojendra Mitter, the then Government Law Member, when clause 2 of the Criminal Law Amendment Act, which word for word has been reproduced in this Bill, was before this House. The Government then admitted that they were creating a new class of offences, which Governments can create, where the presumption of guilt will be against the accused. That is why I feel, apart from anything else, that this Bill offends against the canons of elementary criminal jurisprudence. And, Sir, I repeat, especially if you take section 108 with all its explanations, and sections 107 and 109 of the Indian Penal Code, you will find ample provision for punishing real offences, and not imaginary offences. What you are trying to get at is shadows, and so far as real offences are concerned, the Indian Penal Code makes ample provision.

Then, Sir, on the question of *mens rea*, I will say a word later, and undoubtedly I will say, and I repeat, there is in this clause no intention at all called for. A man may be a genuine pacifist. I may believe that



war is an evil and I may advocate non-enlistment for that reason, and if I dissuade or attempt to dissuade some soldier or sailor not to enlist himself in the army or navy, and if that sailor or soldier goes before a court and says : ' So and so asked me not to enlist myself ', I will come within the mischief of this measure. Therefore, it seems to me that the Bill is unnecessary, and it is drastic in its provisions. Sections 503, 505 and 508 of the Indian Penal Code also deal with these matters. As those sections may not be quite familiar to Honourable Members, I shall just read a few extracts :

" 503. Whoever threatens another with a view to compel him to omit to do anything which he is legally entitled to do "

that is ample enough. There is also section 505, which says :

" Whoever makes, publishes or circulates any statement, rumour or report,—with intent to cause, or which is likely to cause, any officer soldier, sailor or airman in the Army, Navy or Air Force of Her Majesty, or otherwise disregard or fail in his duty as such..... " ;

and, then, section 508 says :

" Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do,—or in other words, against divine pleasure being used against the recruitment to the army."

Therefore, Sir, it seems to me that, to the extent to which any *bona fide* protection is needed by any civilized State, there is ample provision. But you do not want *bona fide* provision ; you want really to fight somebody in this country, and, therefore, you feel that this Bill ought to be passed.

Then, Sir, the punishment is also two years or fine or both. Evidently, in the army they are still in the days of Draconian punishment. That is why the Defence Secretary stated that the punishment is very mild. I want to tell him, Sir, that when India makes up her mind to preach the pacifist gospel of non-enlistment in the army, she will not be afraid of your two years' imprisonment, and it will frighten nobody on this side of the House.

Then, Sir, we have the usual exceptions. We all know the history of exceptions to 124A of the Indian Penal Code. What does Exception 1 mean ? This section does not extend to comments or criticism of the policy of the Government in connection with the military, naval or air forces made in good faith without any intention of dissuading people from enlistment. That is to say, I must go and tell my people,—' my friends, when you go into the army, you will be called upon to shoot people with whom you have no enmity at all, and you will be treated as mere camp followers. All these are there, but still I have no intention of asking you not to enlist yourselves '. That is a kind of speech my friend the Honourable the Defence Secretary can make, but none of us can. And I may remind this House of the famous Karachi trial in which the Ali Brothers, one of whom is walking about just now, were convicted with several other congress leaders then, and it was under a similar section. And I want to say this, Sir, that this is a dangerous weapon in the hands of any Government, and certainly in the hands of this Government. But, Sir, if we make comments or criticisms in good faith without any intention of dissuading from enlistment, it seems to me it will be a performance of which very few on this side are capable. We are logical and consistent and honest, and when

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we go and tell our people what we actually think of the army, we cannot at the same time tell them, 'in spite of the drawbacks go and join the army'. Then it seems to me that the exception means nothing.

Now, let us turn to Exception 2. The provisions of clause (a) of this section do not extend to cases in which advice is given for the benefit of the individual to whom it is given or for the benefit of any member of his family or any of his dependants. Even this really cannot help us very much, although I grant this exception is wider in its scope than exception 1. Supposing I go and appeal to my countrymen in the name of India for the benefit of our country not to become a mercenary, I will not be protected by this exception. Therefore, it seems to me that these exceptions cannot protect anybody, and are indeed meant not to protect anybody or any kind of speeches. For what are we to say if we must tell our people something on defence forces at all,—that this is an army of occupation, that it is maintained for imperialistic purposes, that over its policy and officers we have no control, except to make "humble representations" with bated breath and whispering humbleness, and that our policy is dictated by Great Britain, that our army is largely mercenary, and that there is no scope for Indian talent, and that they have been called upon and may be called upon to shoot down our own people, peasants, labourers, capitalists, including Europeans. How is it possible for us, Sir, to go and say all these true things, and we believe them, to our people, and yet ask them to join the army? Can we say "all this is bad, but still you should go and engage yourselves in the army"?

With regard to the second exception, Sir, I want to say a particular word about the kind of advice which any Member of this House or any honest man outside can give to the Indian Officers in the present position. Are we not bound to tell these officers that Great Britain in spite of her protestations, in spite of the Skeen Committee's Report, in spite of the Indian Military Academy at Dehra Dun, in spite of our protest here and outside, still has gross distrust of the policy of Indianising our army? And today there is a policy of severe segregation in our army. I do not want to draw it on thick, Sir. But the other day, when my friend, Mr. Asaf Ali and I asked a number of questions of the Defence Secretary and gave him a chance of dissociating himself and his Government from Sir Philip Chetwode's remarks slandering a large number of Indian army officers as not of the right class, beyond changing 'class' into 'type', he refused to dissociate the Government from this calumny on our officers. And he said :

"The fact is that a large number, a regrettably large proportion of the officers have resigned, and a number of others still serving find that army life is not altogether to their taste, and still a large number, a regrettably larger number, endeavoured to get out of the ordinary line into departments like political and so forth, and the conclusion one has to draw is that a proportion of those now taking commissions are not of the right type, that it would be a better word than the word 'class', to enter and adopt the army as a permanent career."

And in spite of our attempts to help the Government to dissociate themselves from Sir Philip Chetwode's insulting remarks, Government declined to do so. When we wanted an opportunity for this House to discuss that matter by means of an adjournment motion, the Defence Department got the Governor General

to disallow it. It seems to me that there can be no clearer evidence of the fact, and I want to say it in advance, that there is a conspiracy,—I shall be glad if I am wrong,—to discredit our Indian officers in view of the examination of the whole question a few years later, and to say that Indians are unfit to be officers and that this experiment must now be dropped. And need I remind this House that a very courteous Army Secretary, Mr. Tottenham,—I believe he is a Knight now,—once said in this House in answer to a question of my friend, Mr. Avinashilingam Chettiar, that none but a congenital idiot would ever dream of complete Indianisation of the army at the present rate of progress? Sir, I accuse Government of being insincere about this policy of Indianisation. They are persevering in the scheme of eight-unit segregation; and I say that under the India Army Act discussed and passed here, they have by Statute declared that our officers, even those holding King's Commissions, shall not be placed on the same status as British officers holding King's Commissions. Therefore, it seems to me that if and when we go out to Indian officers, we have to tell them about all that; and yet how can we be protected in view of the wording of Explanation 2?

My second point is this, that so far as clause 2 (a) of this Bill is concerned, there is no precedent that I know of in the jurisprudence of any civilised country for punishing that offence. Taking England, in Stephens' Digest of Criminal Law I find that there is only one Article about this, Article 85, which provides that :

“One commits felony and is liable upon conviction thereof to penal servitude for life who *maliciously and advisedly*”—Mark *these two words; they are absent here*—“endeavours to seduce any person serving His Majesty's forces from his duty or allegiance or to incite to mutiny.”

There is no provision that I know of which seeks to punish an offence contemplated in clause 2 (a). And my Honourable Leader reminds me that those words of Article 85 are reproduced in the Indian Penal Code in which, as I said, there is ample provision for such cases.

Then, Sir, there is a history behind this clause. In clause 2 of the Criminal Law Amendment Act of 1932, there was a provision exactly in the same words :

“wilfully dissuades or attempts to dissuade the public or any person from entering the army,” etc.

That lasted only for three years. It was dropped in 1935. And, when the Criminal Law Amendment Bill was again brought forward, this section was not reproduced there at all. I should like to know from somebody, who has knowledge of these things, the reasons why Government very rightly did not bring it forward then. I have looked up the debates on the earlier law. It was put forward as a legislation only for a temporary emergency, and not to be a part of the permanent law of the land; and that is why, I submit, it was not brought forward again. And even there the punishment was only one year; now my friend has done one better,—two years.

Then, Sir, Government say in their Statement of Objects and Reasons that the object of these speeches is not pacifism. I take it that the implication of that statement is that, if these speeches are intended to promote

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pacifism, they would have no objection to them. I take it that is the attitude of Government. But I cannot understand the contrast. The statement goes on to say :

“ but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged.”

Why not ? What is the constitutional position now ? Supposing the British Empire tomorrow invades Germany because she is fed up with Hitler and gets a lucid interval of courage, are we bound to join England in that war against Germany ? May I know if that will be in the interests of the spread of pacifism or not ? Therefore, I do not see how I can preach pacifism without preaching simultaneously that India should engage in no war which is against our conception of pacifism. Surely, we are entitled to preach that, if your Statement of Objects and Reasons means anything at all. Is it guaranteed that Britain will engage in no war whatever except for pacifism ? Of course that is the assumption of “ perfidious Albion ”, now become sanctimonious also. But why should we agree with that ? I believe Great Britain has engaged in many wars for her own advancement. Who does not know the colossal joke that Great Britain, who entered the last war to protect poor Belgium, came out of the war with the largest amount of territory in her possession ? Who can deny that ? And yet you have the cheek to come and tell me that I can preach pacifism, and at the same time ask my countrymen to take part in all wars in which Great Britain may find herself involved. And I should like to know from the Defence Secretary what our present constitutional position is. Are we bound to join in every war ? Have we no freedom whatever ? If that is the position, is that a position in which this House is going to acquiesce, that our soldiers and officers are to be cannon-fodder for Great Britain in order to keep up her bloated Empire ? I refuse to be a party to that doctrine and I trust the House also will refuse it. Of course under the Government of India Act if it comes into force the Governor General is bound, as I said, to consult his Ministers, but he is free to act in his own discretion.

And may I know what your wars are likely to be ? I do not know if there is any Honourable Member of this House who knows Britain's foreign policy ; Britain herself does not know her own foreign policy. But I shall be glad to know from somebody what Britain's next war is going to be. One day you send Lord Halifax to stand before Hitler ; another day you get angry with Germany. One day your Prime Minister writes a love letter to Mussolini ; another day you want to fight him. One day you want a trade pact with Russia ; another day you want to fight her. One day, you tell Japan that you shall not allow her to make inroads upon China ; another day you want to drive a bargain with her over this Sino-Japanese conflict. And, in connection with the notorious episode of Abyssinia, who forgets the perfidy of Great Britain ? When Italy invaded Abyssinia you all called the Heavens to witness and said that you would enforce the sanctions ; and yet you went on exporting materials to Italy. You dismissed your Foreign Minister for making terms with Laval in France ; and yet your Foreign Minister, a man of the position of Lord Halifax, had the hardihood to say before the League of Nations in abject surrender to Mussolini, “ Let us now recognise the conquest of Abyssinia ”. We are a member of the League of Nations and we wanted

to discuss that in the House ; and yet our Government of India got the Governor General again to disallow that motion. Why ? Because you know you are not definite in your foreign policy and cannot defend it in public ; and, therefore, how can you ask India to acquiesce in this position that whatever Britain's foreign policy may be, whatever the nature of her next war or wars may be, we must hand over ourselves bound hand and foot to you, to make cannon-fodder of us ? I certainly think we should not, and I hope the House will agree with me.

Then, so far as the question which the Honourable the Defence Secretary asked me in the morning and which I attempted to answer then, I want to elaborate the point a very little, namely, that the British Empire is the greatest threat to pacifism in the world today. Do you know that the League of Nations would have outlawed bombing of open cities and towns, but for Britain's objection on the ground that for police bombing purposes she ought to go on murdering people in the North-West Frontier of India by throwing bombs from her aeroplanes ? Do you deny that ? Do you deny that Japan is imitating you in all her methods, and that when you blame Japan for invading China, she points the finger of scorn at you and says : " What about you and India ? " And in all her hustling methods of selling her goods all over the world and her blatant imperialism, you are her master and she is your apt pupil. I do not know if ever there was, but if there was a British Empire anxious to fight for what was right, that has ceased to exist, today she sits like an old woman knowing and awaiting her doom, afraid of every dictator in Europe.....

**An Honourable Member :** Nonsense !

**Mr. S. Satyamurti :** Which is nonsense ? My friends sitting there know very much less than I do of British foreign policy : they imagine they know ; and their imagining is mere nonsense. I am a close student of the foreign policy of Great Britain and I read more books and journals than all of them put together. Therefore, knowing what Britain's foreign policy or absence of foreign policy has been.....

**An Honourable Member :** How is all this relevant ?

**Mr. S. Satyamurti :** That is for the Chair to say. When you are in the Chair, I will yield. The Statement of Objects and Reasons says—I hope my Honourable friend is trying to read at least these few lines—" to dissuade would-be recruits from taking any part in any war in which the British Empire may become engaged ". Do you follow that ? Then, follow what I am saying. I say it is perfectly right and legitimate for me to tell my countrymen, soldiers, sailors and airmen, " You shall not take part in the next war of Great Britain, because we do not know Britain's foreign policy : we do not know what she will do or will not do ". We know that Britain today is like an old woman who has lost her courage, who has no foreign policy, who sits brooding over her Empire, afraid of every dictator in Europe and anxious to exploit India for her own purposes ; and you know that you have lost initiative, you have lost courage and yet pretend that by enacting these useless laws you can build up and keep together this disintegrating Empire. You do not know who are the British Empire's friends or enemies. And today the great danger is in the Punjab, the Honourable the Defence Secretary said. What is the danger ? They feel that the Sikhs are becoming conscious of their rights and of their self-

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respect, that they will no longer be willing to be mercenaries, and, therefore, you want to put them down. Then, they see the cloud in Palestine. Great Britain is having her eyes on Palestine, not because she loves the Jews so much or hates the Arabs, but because Palestine is on the Mediterranean and the Mediterranean is the life artery for Great Britain, and she wants Indian soldiers to be used in her nefarious games in Palestine. That is why she wants this recruitment to go on : they are afraid recruitment may stop in the Punjab, and that is why they want this.

Recently a British minister, Mr. Malcolm Macdonald, went to Palestine and he said : “ the British Government are administering their trust on a basis of justice between the Jews who are building at long last their national home and the Arabs whose title in the land of their birth was indisputable ”, and he concluded : “ With God’s help peace will be restored in the holy land ”. I have many points of quarrel with Great Britain ; but the greatest point of quarrel is that, whenever she is notoriously in the wrong, she invokes God to her help. I am surprised at her sanctimoniousness. Why not she leave poor God alone ? Why should you always patronise God, and say that in all your imperialistic campaigns God is on your side ?

The Honourable the Defence Secretary conceded, as I said, that there has been no fall in the recruitment ; and, thereby, he gave away his complete case. I want to say one thing more. With regard to the Indianisation of the army, your policy is niggardly. I think the Honourable Mr. Jinnah, who was a member of the Sken Committee and himself went out on the sub-committee and made these strong recommendations, will be disappointed at the rate of progress of Indianisation, and at the manner in which it is being done. I think we have not got really the real scheme of Indianisation which we wanted. I thought of going into the facts and figures of Indianisation here, but I do not want to take up more of the time of the House. I merely want to say that, if really there is propaganda in the country against recruitment, as I believe is the right of every Indian to do so, that we shall not allow our men to be recruited into your army, you must meet that argument not by this Bill, but firstly, by amending the Government of India Act and handing over defence to a responsible minister, responsible for the defence of the country : that should be the first gesture in favour of recruitment. Secondly, by withdrawing your British troops from this country completely. I have the high authority of the Honourable Mr. Jinnah who said the other day on the adjournment motion debate on my motion, that we do not want British troops or British officers : we want an Indian army. Thirdly, by frankly and honestly accepting a scheme of Indianisation which will Indianise all ranks and all arms within twenty years at the most. Fourthly, by treating our Indian officers well and encouraging them. Fifthly, by abolishing the 8-units scheme and making the British and Indian officers equals and allowing Indian officers to command British officers and not keeping them back on racial grounds. Sixthly, by making it clear to His Majesty’s Government that India will not take part in any war against the interests or the will of India. I think these are the methods by which you can hope to meet this propaganda, and not by this Bill. It seems to me that our experience in the last war has shown us that by generously and chivalrously coming to

fight for England, we got nothing—we got the Punjab wrongs, we got the Khilafat wrongs over which India started her first Satyagraha campaign. Therefore, we do not propose, to the extent that we can help it, that India should be compelled or coerced to take part in another war which is not to her interests or is against her will. Our last contribution, as my friend reminds me, was a million and a half lives.

Therefore, I feel that we ought to fight this Bill at every stage. I appeal to all sections of this House to do so. If it is really for Local Governments, I think Local Governments should take up this legislation. If ultimately it is found that they cannot legislate, they should at least pass resolutions asking this House to pass such legislation. We are sitting in an irresponsible House, in this sense, that there is no Government responsible to us ; and so I do not see why legislation of this kind should be undertaken by us, without the Provincial Governments approaching their own legislators either for legislation if they can do it, or for resolutions asking us to pass this Bill.

I would sum up by saying that this House should throw out this Bill by voting for my motion unanimously on the ground, that the objects in the preamble are unnecessary, mischievous, and capable of gross abuse, on the ground that the Honourable the Defence Secretary has made out no case whatever for this Bill, that he has advanced no reasons and that this Bill will not achieve even the purpose which the Government have in view : that it will have quite the contrary effects, and it may put down even beneficent activities and speeches for pacifism, the only hope of humanity. These offences are either incapable of proof or are too easy to prove, and I, therefore, feel, that it is not right we should give permission to legislation of this kind. There is no need for it. There is ample provision already for general offences.

It seems to me, Sir, that today the world is turning between the ideals of war and fascism. Every nation says she does not want war, that she only wants peace, at the same time spends millions and millions, year after year, on armaments with a view to destroy other people. It is no more a fight between human prowess and ingenuity on the one hand and similar prowess and ingenuity on the other. It is a war between deadly mechanical and poisonous weapons directed towards innocent men, women and children. The next war is going to be a war where each side will seek to demoralise the other. Is that a war in which you want us to train our soldiers and officers to take part ? Let me make my position perfectly clear. I want a national army for my country, manned and officered by Indians from the Commander-in-Chief to the humblest soldier. In that defence force, which India will command in order not to fight other nations but to keep real peace in the world, we shall not tolerate, any more than anybody else, insubordination or mutiny. But what we object to is that our man power should be sought to be exploited and that those who have survived the hunger and starvation which have been imposed on our country, should become merely tools in your mercenary imperialist defence forces.

You may laugh at us today ; but if western Europe goes on as she goes on now, I have no doubt that soon humanity is going to be destroyed in a manner that even H. G. Wells has not dreamt of in his book. It seems to me that today there is only one hope, and that is held out by the gospel preached by that small man Mahatma Gandhi, his gospel of non-violence and of being

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friends with all the world and enemies of none,—that is the only gospel which can save humanity today. If, therefore, the Honourable the Defence Secretary wants good recruits to the army, let him create a national, self-respecting army, subject to our control, and there will be no need for this Bill. On the other hand, I would also appeal to him and all those who think and sit with him in this House, that they must reverse their notions about war. Where is humanity drifting to? We are too much absorbed in our day-to-day affairs. I still feel, in spite of appearances, that today if humanity is to be saved from the clutches of a barbarous war, and if civilization is not to be destroyed, we must give up this gospel of returning hatred for hatred and trying to kill the enemy. I, therefore, feel that this is a Bill which is highly dangerous, highly mischievous, that it will not effect any purpose, and that it is one to which this House cannot agree. Also, I feel that pacifism is the only gospel of which the shining example is Mahatma Gandhi, which can save humanity today. So, Sir, I appeal to the House to reject this Bill.

**Sardar Sant Singh :** Sir, I represent that community in the Punjab which in the days of the Great War of 1914 supplied the largest number of recruits in proportion to their population and earned the largest number of military honours that were then awarded. Again, I represent the constituency in the Punjab that comprises 18 districts out of the 28, and, as the Honourable the Defence Secretary wants that this Bill should be brought into force at once in my province, I think I will be false to my community, my province as well as to my country if I do not raise a voice of protest in opposition to this monstrous Bill.

Sir, the Honourable the Defence Secretary, probably immersed in the traditions of the Punjab, used the word loyalty rather too loosely. In the Punjab the practice is very common for the Government Members to appeal to the loyalty to the King where their measures are otherwise weak on merit and thus frighten members to submission. My friend, the Defence Secretary, has followed the same practice on this occasion on this measure; I want to tell my friends from the Punjab that their ideas of loyalty are so vague, so indefinite and so crude as deserve to be discarded immediately.

Now, before I begin with this, Sir, I want to remind this House briefly of the history of the Great War of 1914 in which Great Britain fought for her very existence. In the Legislative Council, the predecessor of this House, an appeal was broadcast to India from the floor of the Council Chamber, to participate in that war in the name of morality and justice—Unconditional co-operation was asked and freely given—Bargaining at that critical moment was considered out of place. India responded with one voice, the greatest sons of India co-operated with the Government, they voted for one hundred million pounds as India's free contribution to war expenses. Later on, the contribution was increased. Men and materials were freely sent out of the country. Great Britain acknowledged India's share with gratitude. When the idea of self-determination for all countries caught the imagination of the world and the atmosphere was full of moral obligations, the then Prime Minister, Mr. Lloyd George, replying to a question as to whether Britain proposed to grant self-determination to India in return for her contribution in the war, replied: "If we can conquer the war, certainly statesmanship is not dead to find out the way in



which to grant self-determination to India". These were high words, and high hopes were raised at that time. Even the ink on the truce paper of the 11th November, 1918, was not dry, when came the Rowlatt Committee, followed by the Rowlatt Act, martial law, firing of Jallianwala Bagh and other humiliations, too numerous to mention, but not forgotten by the Punjab. May I, therefore, ask, Sir, if and when India refused to bargain, and when India contributed generously in men, material and money, was not England's sense of morality and fair play put to a severe test? Did England respond with moral gesture? Did England honour her promises and redeem her pledges? No, Sir, she did not. Even the small recommendations made by Mr. Montague for granting limited Self-Government to India were not accepted in toto when the Government of India Act of 1919 was drafted. If that was the case at the time when India offered herself body and soul to England, then the question naturally arises, and it is a question for the politicians of India today to consider, whether India should join an imperial war on the same conditions and on the same moral grounds as India did in 1914. Has not England forfeited her right to that? Did she come out with clean hands in that bargain, or rather, in the absence of bargain? Today we are asked to join a war, not asked, but may be asked to join a war, and the Honourable the Defence Secretary thinks that it would be a sin on the part of India to negotiate any terms on which she will be willing to join.

**Dr. Sir Ziauddin Ahmad :** When is the war coming?

**Sardar Sant Singh :** My Honourable friend, Dr. Sir Ziauddin Ahmad, wants to know when the war is coming. Well, he is a student of current politics, and he ought to know that the air is full of rumours of wars. The very fact that this Bill is being brought today before this House for passage, is an indication as to which way the wind is blowing. However, coming to the subject, the question which every politician is asking himself today is, should India participate in the next war or should she not participate? The reply to it is not in the hands of Indians. The reply is in the hands of the British Government. It is for them to say whether we shall join or not join. Loyalty does not mean slavery, or slavish submission to the will of the bureaucrat. We have passed that stage. After giving even the limited provincial autonomy, what right has the bureaucrat to ask us whether we shall submit to irresponsible and bureaucratic laws in order to shut our mouths in demanding our rights that are still left in the constitution? I really do not see any harm if I get up on a platform and say that I shall advise India to join the war provided Government yields such and such rights to me. Where is the harm, where is the criminality? What would England do in similar circumstances? The Honourable the Defence Secretary suffers from the common impression that the duty of a Government is to maintain law and order. This is the idea which has obsessed the present Government. But this is not the correct understanding of the functions of a Government or a State. I will presently read a passage which I quoted last time too in my speech when I spoke on a similar Bill in 1932, as to what the functions of the State are in respect of its people. The primary function of a State with regard to the people is to promote the welfare of the people. If the State cannot promote the welfare of its people, it does not deserve to exist. The function of a State to the maintenance of law and order or security of the people is a secondary function. My Honourable friend, Captain Sir Sher Muhammad Khan, is opening his

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mouth wide over this proposition of mine. In order to satisfy him, I am going to read from a jurist of Great Britain, so that he may understand what the functions of a Government are.

**Captain Sardar Sir Sher Muhammad Khan** (Nominated Non-Official) : The Law Member could tell us better than you.

**Sardar Sant Singh** : In Austin's Jurisprudence, we are told about the functions of a State in the following words :

“ But, by most or many of the speculators on political government and society, one or a few of the instrumental ends through which a government must accomplish its proper absolute end, are mistaken for that paramount purpose.

For example ; It is said by many of the speculators on political government and society, that ‘ the end of every government is to institute and protect property ’. And here I must remark, by the by, that the propounders of this absurdity give to the term ‘ property ’ an extremely large and not very definite signification.”

**Captain Sardar Sir Sher Muhammad Khan** : Is it from John Stuart Mill ?

**Sardar Sant Singh** : It is from Austin's Jurisprudence which you have never probably heard or cared to understand. It is beyond your understanding and comprehension. So, the idea underlying the functions of a State is not to close the mouth and the tongues of its subjects but to devise ways and means for their welfare, and not merely to maintain law and order only. Probably I am mistaken in calling it law and order. In the Punjab, particularly, we deal with order only and no law. It is not the primary function to maintain order only. This Bill is meant probably to maintain order at a time when recruitment may be necessary. But I want to tell my Honourable friend that it is not the order alone that has to be maintained. It may open the eyes of my Honourable friend, Sir Sher Muhammad Khan, when I tell him in order to cure his notions about loyalty, that occasions may arise and do arise in history of nations when a revolt against the established Government is justified. This justification is acknowledged by jurists even. Here, again, I am not going to quote an Indian jurist, I am going to quote from Austin's Jurisprudence, as to under what circumstances the people will be justified to revolt against its Government. Austin, in his Jurisprudence, says :

“ If we take the principle of utility as our index to the Divine Commands, we must infer that obedience to established Government is enjoined generally by the Deity. For, without obedience to ‘ the powers which be ’, there were little security and little enjoyment. The ground, however, of the inference, is the utility of Government : And if the protection which it yields be too costly.... (as it is in the case of the Government of India)....”

**An Honourable Member** : Where are you reading from ?

**Sardar Sant Singh** : From Austin.

**Captain Sardar Sir Sher Muhammad Khan** : Austin cars !

**Sardar Sant Singh** : You only know about motor cars. Your knowledge extends only to that. To continue :

“ The ground, however, of the inference, is the utility of Government : And if the protection which it yields be too costly, or if it vex us with needless restraints and load us with needless exactions, the principle which points at submission as our general duty may counsel and justify resistance. Disobedience to an established government, be it never so bad, is an evil ; For the mischiefs inflicted by a bad government are less

than the mischiefs of anarchy. So momentous, however, is the difference between a bad and a good government that, if it would lead to a good one, resistance to a bad one would be useful. The anarchy attending the transition were an extensive, but a passing evil : The good which would follow the transition were extensive and lasting. The peculiar good would outweigh the generic evil : The good which would crown the change, in the insulated and eccentric case, would more than compensate the evil which is inseparable from rebellion."

The Honourable Member will please see that a time comes when resistance to the established Government becomes the duty of the citizens. He was talking of loyalty in a light-hearted manner. Loyalty is a duty when the functions of the Government are performed in accordance with the interests of the people, for the welfare of the people. If the acts of the Government become merciless, and bad, it follows that it becomes a lesser evil for the people to revolt against such a government. Sir, I want to make my position very clear as regards the defence forces. I am one of those who want a national army, a strong Indian defence force, to defend Indian borders at any cost against foreign aggression and invasion. I advocate that the Indian defence force should be disciplined to such an extent that they would take their stand without being officered by any foreigner ; I not only do not advocate any undermining of Army discipline, but strongly advocate its efficiency and preparedness. I should like to change the mentality of my friend, Captain Sir Sher Muhammad Khan, because he is the representative of the army. I want him to be able to lead the armies of India, but unfortunately I have failed in converting him. However, it is apparent that this Bill is not connected with the defence force at all. This Bill has nothing to do with the problem of strengthening the defences of India in order to meet any external aggression. What the Bill is intended to do is to stifle public opinion on the question when the occasion comes. I really am apprehensive that the Bill forestalls the political issues that will be created in case England gets itself involved in any war on a great scale. I want to make it absolutely clear that we are not willing to be a party to give that power in the hands of the executive whereby the executive should gag our mouths.

Now, my friend the Defence Secretary, paid a tribute to the loyalty of 99 per cent. of the peasantry of the Punjab. May I ask him a simple question ? If he will give the names of the speakers who had made those speeches, he will find that without exception the speakers belong to the peasantry. He cannot deny it.

**Mr. C. M. G. Ogilvie :** I do deny it.

**Sardar Sant Singh :** Then, will you please tell me to what class or communities these speakers belong ? From my knowledge of the Punjab, I know that the platform today is in the hands of the peasantry of the Punjab and of martial people. What is this idea of loyalty ?

**Dr. Sir Ziauddin Ahmad :** Do you belong to the peasant class ?

**Sardar Sant Singh :** My constituency consists of 85 per cent. of the peasant class.

**Captain Sardar Sir Sher Muhammad Khan :** Then you are betraying that class.

**Sardar Sant Singh :** On the other hand, it is my friend who is betraying that class whereas I am giving expression to the ideas of my constituency when I say that this Bill is a most mischievous Bill directed

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against them. I am sure that if my friend takes us into confidence and circulates the speeches, with the names of the persons and the occasions when they spoke, he will find that most of the speakers belong to the Sikh community. Well, Sir, I am proud of the fact that the Sikh community has awakened to its sense of responsibility and the sense of their rights. Today they cannot be taken in so easily as they were taken in before the days of the Jallianwala Bagh and the martial law. How was the law respected during the martial law days? I am one of the victims of those days and I know what was the price paid by my community for that loyalty rendered at great cost to the British Government at the most critical times. You cannot lull us to sleep now.

Coming to the Bill itself, my objection to the Bill is three-fold. I will examine the provisions of the Bill now. The Honourable Member in his speech has not told us why this Bill is necessary at this time when there is no war. There is no abnormal recruitment going on, and according to his own confession there is no difficulty in getting recruits. I fail to understand why at this stage this Bill has been introduced. He says that some speeches have been made. 280 speeches have been made. I wish we could have the context of those speeches. We should have an opportunity of reading them in order to understand the context in which those speeches were made but we have been deprived of that privilege. We have been asked to rely on his word. I do not doubt it. There is no doubt that those speeches must have been made. His second object is that the Punjab Government wants this Bill. May I ask him why the Punjab Government cannot legislate for themselves. The Punjab Government has got a docile Assembly at their disposal with an overwhelming majority. They are representatives of the people but unfortunately they are representatives of the type I need not mention. I leave it for you to guess. The position is that the Punjab Government has asked this Government to legislate for the whole of India and wants this Bill to be brought into operation in the Punjab immediately, while it will be left to the will of the Central Government to bring it into operation in the rest of India by notification. If this Bill is intended to come into operation in the whole of India, may I ask what is the background for bringing in this Bill and why power should be given to the executive Government to promulgate this Act for the rest of India. Over and above the 280 speeches that have been made, I think my Congress friends, they will correct me if I am wrong, passed Resolutions in several Provincial Congress Committees to the effect that if England involves herself in any imperial war, the Congress is not to help England at that time. If I remember aright, some such Resolution was passed during the last meeting of the Working Committee of the Congress. Why does he say that speeches were made in the Punjab alone?

**Mr. C. M. G. Ogilvie :** I did not.

**Sardar Sant Singh :** Why did he not come forward with those Resolutions to which I have referred? Probably that would have supplied him with better material and more convincing arguments. But to me the greatest thing is—speeches or no speeches—it is my constitutional right to demand from England at all times, particularly at a critical moment, what I will have as the price of my co-operation. This is

my right and I claim my right, and I refuse to surrender this right at the present moment, nay, at any time. Do you deny me that right? You must give more cogent reasons why you shall not respect that right. There is no shame in my demanding that right. Are we not paying for the occupancy of this country by paying princely salaries to some of the foreigners? Sir, if the foreigners say: "you shall have to co-operate with us on these terms", my answer is: "I refuse to co-operate on these terms. If you want my co-operation, it shall be on my terms". The second objection to the Bill is that it creates a new offence; to dissuade a man from joining the army is not an offence so far in our penal laws. Then, why create a new offence at this time? The onus is on the Government and the Government have given no convincing reason. My third objection is that it throws the onus of proof on the accused.

**Mr. K. Ahmed :** Who is the accused?

**Sardar Sant Singh :** Any person who dissuades will be the accused; I do not think you will be the accused, don't worry. "Any person who wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air forces of His Majesty", and then it says in the *Explanation* 1 :

"The provisions of clause (a) of this section do not extend to comments on or criticism of the policy of Government in connection with the military, naval or air forces, made in good faith without any intention of dissuading from enlistment."

Now what is the meaning of good faith? The term "good faith" has not been defined in the Bill. The definition of good faith is to be found in section 52 of the Indian Penal Code. Even in the Indian Penal Code, good faith is not defined, what is defined is what is "not in good faith" and it means "not done with due care and caution". Any magistrate will find himself in difficulty in interpreting this clause of the Bill as to what good faith means. Apart from this, this *Explanation* throws the onus on the accused. If I ask a person not to join the army, unless I prove my innocence by proving my good faith, I will be presumed to be guilty. Thus the Bill is transgressing the domain of criminal jurisprudence, according to which the onus of proving guilt rests upon the prosecution, but here the onus is being thrown upon the accused. Therefore, this Bill creates a new offence and it transgresses the provisions of criminal jurisprudence. Further on, as regards the second clause, my friend, Mr. Satyamurti, has referred to the provisions of the Indian Penal Code that already exist for punishing attempts at mutiny or inciting to mutiny. There is a law of conspiracy, a law of abetment, a law of sedition, a law relating to class hatred, a law relating to an unlawful assembly, and above all the grandfather of all these offences are the all embracing provisions of section 144 of the Criminal Procedure Code that can be applied anywhere under any set of circumstances. In the presence of all these legal provisions, where is the need for enacting this law? The real need for this law, as I presume, is to strengthen the hands of the executive. Now should I willingly surrender the rights I still possess under the Indian Penal Code to the sweet will of the executive and thus bind myself hand and foot to do what the executive will want me to do in the near future? Sir, I refuse to do this. Therefore my submission is that this Bill proposes a momentous change in the ordinary law of the land. This Bill takes away some of our cherished rights and takes away

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our constitutional right to demand satisfaction of our constitutional right when the time for such bargaining comes. Sir, I am not going this time to be lulled into false security on the grounds of morality and good grace. That we did in the Great War of 1914 and learnt a lesson which my nation can never forget. I expect that the Leader of the Muslim League Party will give us some of their experiences of the speeches which they made in those days when the war was declared in 1914. My charge against the British Government is and has been that they will not be permitted to play the game they did in 1914. At that time they failed to satisfy the legitimate aspirations of the people, though the people fully trusted them. Today the country is not in a mood slavishly to follow them wherever they want us to lead. The country demands its right and very rightly demands its right. Therefore I will say that this Bill is one which no self-respecting Indian can vote for. I have deliberately given my motion for circulation for eliciting public opinion by 30th October, 1938, with a view to seeing if the circumstances of the country are such which require such a Bill. By that time we would have received the opinions of the public at large. Sir, we represent public opinion, we are the servants of the public. If the Government thinks that this evil is acceptable to the people, we will not allow our personal opinion to stand in the way, and if we shall see that the public opinion is favourable—of course I mean the opinion of the public, not of the executive or of the henchmen of the Government,—then I will be the first to turn round and support the Bill. Sir, in 1932 when a similar Bill was moved here, Sir Harry Haig, now His Excellency Sir Harry Haig, Governor of the United Provinces, then knew that the public would not support his Bill, and so I hope the Defence Secretary knows now that probably he will not get any support from the public for his Bill. Why then this measure against the will of the public ?

**Major Nawab Sir Ahmad Nawaz Khan** (Nominated Non-Official) : I think the Muslims and the martial classes will be in favour of the Bill, and the non-martial and the Bania classes will be opposed to this Bill.

**Sardar Sant Singh** : My friend thinks that the martial classes will be in favour of the Bill. Well I challenge him if he gets a majority opinion from the martial classes. If he does, I will convert myself in favour of the Government.

**Major Nawab Sir Ahmad Nawaz Khan** : All right, I accept the challenge. (Interruptions.)

**Sardar Sant Singh** : I am afraid my friend has had no experience, he does not feel the drift of public opinion today. If he ever is to stand for this Assembly on a popular vote, he will learn to his cost what judgment a constituency will pronounce upon him. I know that Nawab Ahmad Nawaz Khan will not dare stand to gauge the opinion of the public about him and about this Bill. He will discover it to his cost that his opinion is as wrong as it could be. However, if the Nawab Sahib is so sanguine about his position, I will expect him to vote with me in order to gauge the public opinion. If the public opinion goes against him, I will expect him to join with me in the lobby and vote with me against this Bill. If the public opinion goes in his favour, I will go with him in his lobby on this Bill.

**Major Nawab Sir Ahmad Nawaz Khan :** As I said before, I have divided the public opinion into two classes. I accept your challenge.

4 P.M.

**Sardar Sant Singh :** I do not want to enter into this controversy with him any more, but I do want to say in the end that the Bill is so obnoxious that no self-respecting Member of this House should support it. Therefore, I move my circulation motion.

**Khan Bahadur Shaikh Nur Muhammad (Punjab : Nominated Official) :** Sir, the speeches from the opposite Benches are extremely entertaining, but it is a pity that they possess more of an academic than of a realistic character. If we were hearing them in a debating society or in a college hall, we would all go to vote with the Honourable speakers on the other side. But, unfortunately, for a man with practical and actual contact with the masses, particularly in the Punjab, it is extremely difficult to understand. . . . (Interruptions.)

**Mr. President (The Honourable Sir Abdur Rahim) :** Honourable Members must remember that this is his first speech and he should not be interrupted.

**Khan Bahadur Shaikh Nur Muhammad :** But a man who is in actual contact with the masses, particularly in the Punjab, would be wonder-struck to hear what these speeches mean in fact. In fact, he would be unable to understand that the speakers come from his own country or are voicing the sentiments of the country. (Interruptions.) The cries that are being shouted at me, I can very well understand, because the criers do not come from the same place from which I come and also because the criers do not come into contact with the masses to the same extent, with the same frequency and with the same closeness of contact which I do. I would be pardoned, I hope, for saying this. As a District Officer, my duties have carried me into villages for nine months out of twelve, and my mornings have been spent in the villages hearing people's tales, their needs, their woes, their necessities, their disappointments and their expectations. As a man with that experience, I can speak with greater authority than my friend, Sardar Sant Singh, who sees people only in his office or the Honourable Mr. Satyamurti, who does not come from the Punjab but who represents an academic atmosphere, very far and very high above the level of intelligence of the actual masses. Now, I hope I would not be disbelieved simply because I am on the Government Benches. The one thing which every cultivator and every peasant in the province asks more than another is—when is the war coming? (Interruptions.) I hope the House will have the patience to hear a man who is fresh from the field. I have no other qualification except that I have been in contact with the people more closely and for a longer period than anyone of you. Now, the question he puts is, when is the next war coming? The only motive he has in asking this question is that he is being killed by the slump. He was able to sell his produce at a very high rate during the last war and he wants to sell his produce at the same high price in the next war. This is for your amusement and for your information. You may talk of pacifism, you may talk of high ideals, you may talk of what Britain should do and Hitler should not do, but the peasant has his own needs which are more real than can be felt by the well-fed town people.

[Khan Bahadur Shaikh Nur Muhammad.]

Now, I think that a cruelty is being done to this Bill which is being side-tracked. The question is : whether it is a reality and whether it is wanted ? Now, I have told you that people want war not for the purpose for which Hitler wants it or Mussolini wants it or Franco wants it or Japan wants it. People want war so that they may sell their cotton at a higher price and so that they may be relieved of the present slump. It is always open to this Honourable Assembly to say to the British statesman and to any person whether you would help them with the army, or not, but the question now is whether this Bill is a reality. Whom would it affect and whether it would serve any purpose ? I do not talk of higher politics. I have not been in very close contact with that class of people who move in political spheres, but my simple question is whether this Bill is a necessity and whether it would serve any purpose and whether it would be useful to that class of persons who are interested in it. These are the only points. You may judge it, and you may criticise it from a lawyer's point of view as the Honourable Mr. Satyamurti has done. You may find fault with the wording of it, you may find fault with the breadth, the width or the depth of the Bill. But the reality of the Bill is my point. I will make that clear. Why is this Bill really wanted ? A class of irresponsible people, who do not know what pacifism is and who do not know whether people should fight or not and if they fight, for what principles they should fight, is let loose among the peasantry in the name of religion, in the name of higher thought, in the name of higher ideals, which the people do not understand and which the speakers themselves do not understand but which they are tutored to reproduce. These speakers are employed at Rs. 10, 12 and 15 a month. These speakers go among the masses saying such and such a thing is harmful, such and such a thing is unauthorised and that they should never do that. It is this class of people that go and address the peasantry. If they are actuated by high motives, if they are really pacifists, if they are people who do not want to see Mussolini's cult or Hitler's cult succeeding in the world, they would be justified. One would gladly bow to them and offer one's allegiance to them. But these people are hirelings, they come and preach because they are paid 10 or 15 rupees.

**An Honourable Member :** Who hires them ?

**Khan Bahadur Shaikh Nur Muhammad :** The Honourable Member must know it better than myself. These people move among the masses and dissuade them from offering themselves as recruits to the army, they urge them to be disloyal if at all they enlist themselves in the army. It is such agitators that are meant to be roped in by this Bill. What is the class of people to whom they go ? They go to people whose bread is earned from army service. I wish to address my remarks particularly to the Honourable Members who belong to the Muslim League. Do not be deceived by the high sounding speeches made by people who have fat incomes in their offices, who have made tons of money as big traders and big merchants or by people who are rolling in wealth. You Members of the Muslim League represent a class of people who are poor, who could count their holdings only by fractions of acres and who live only on their earnings from the army.



**Some Honourable Members :** The Honourable Member should address the Chair.

**Khan Bahadur Shaikh Nur Muhammad :** I will address the Honourable Members of the Muslim Group through you, Sir. They represent a class of hungry people who live on their income from the army. If you tamper with their views, if you deprive them of their traditional sources of earning, you are misrepresenting them, you are doing them a harm which you can never redress. Please consider well. What side are you going to vote ? These people have all along stood by the army, they have fought for the army, they love the army, they derive their sustenance from the army. What will happen to them if this source of income is taken away from them ? They will simply perish or they will turn out criminals. I wish to say one word to my Honourable friend, Sardar Sant Singh, who boasts of his contact with his constituency. I come from the same district which possibly is included in his constituency. I may tell him that in the interest of a block of Sikh villages in his constituency, I wrote a letter once a quarter to the Army Headquarters. "For God's sake please do open up the army service for these Sikh people because they are turning out criminals." So I wrote to the Army Headquarters. I had to recommend the imposition of a punitive police post in these villages. Why ? Because, having nothing to do, these people turned criminals, and they were a source of great danger to the people in the neighbouring parts.

Most of the Honourable Members sitting in the opposition Benches perhaps have not been in the army at all and they do not represent families which have been sending recruits to the army. I am speaking of those people who have no other sources of income except army service and upon this class of people, I had to impose a punitive police with great regret in order to reform them and keep them under check. I submit this will happen to the class of people whom my Honourable friend represents if they are kept away from the army service.

My Honourable friend, Mr. Satyamurti, spoke with great emphasis that plenty, peace and prosperity will reign if the British Empire collapses. I admit he has been a deliberate and diligent student of world politics and he has studied more deeply than myself. I will not contest his point except so far as it applies to our own country. Possibly he may be right when he has judged between England and America or England and Germany or England and Italy. I will not contest him there. He has read more books than I have read. I have only read Mr. Brayne's Better Village and 'How to manage a farm'. I can talk more emphatically on that subject. Of one thing I am absolutely certain. I would refer my Honourable friend to no other authority except his own conscience and his own better understanding. Will that peace, plenty and prosperity fall to our share if the British Empire collapses ? Think over that. Now, I will only raise this question to condemn the underlying idea. Will that peace and plenty and prosperity fall to our lot also, or shall we see it only in other countries if the British Empire collapses ?

A lot has been said about Indianisation of the army. I am as patriotic an Indian as anybody else in the House. I am absolutely at one with them on that point. I yield to nobody in my depth, sincerity and ear-

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ness of my patriotism. I am eager to press upon the Government to adopt the policy of Indianisation. But what will you Indianise if you ask people not to enlist in the army? If you move towards the direction which points to people being led away from recruitment, there will be nothing to Indianise. Then does it not go against your very cherished object if you dissuade people from enlisting in the army? Is it not defeating your own object? If you do not help in the enactment of a measure which leads to more and more recruitment being done on a better basis, are you not receding from your very object which you have in view?

Again, I appeal through you, Sir, to Members of the Muslim League and to my Honourable friend, Sardar Sant Singh, who represents the martial class, not to interfere with the traditional habits and sentiments of the people who are eager to enlist themselves in the army.

I apologise to the House for having digressed from the main principles of the Bill. The question is whether this Bill is a necessity and whether it will serve any useful purpose. I say you may amend it here and there, but if the condition of the country remains as it is today, the Bill is an absolute necessity and it must have the support of all right thinking people on all sides of the House.

**Maulvi Abdur Rasheed Chaudhury** (Assam : Muhammadan) : Sir, the Defence Secretary has put this House in a very awkward situation by bringing in a Bill the necessity of which he could not prove. He could not impress the Members of this House that a Bill like this is necessary in the interests of the country. He simply said that he had got with him proceedings of something like 280 meetings, but he had not the courage to produce even one before this House. If we turn to the Statement of Objects and Reasons, we find that it refers to a large number of speeches which necessitated the bringing forward of this Bill. But not a single speech is before this House and not one Member knows anything about one single speech. So this portion of the Statement of Objects and Reasons may be brushed aside without bestowing any thought upon it altogether. The next point in this Statement is a direct attack on our very aim and ambition. We cherish the ambition that the Indian soldiers and the Indian army should not be employed against the interests of India and should not be employed beyond India. This Bill is going to make penal even this ambition. This Bill, Sir, contains only two clauses, but they are full of significance. The scope of the Bill is so important and it touches matters so vitally important to this country that every one should think ten times before giving support to this Bill. A cursory view of the two clauses will satisfy anybody that the Bill is intended not only to further curtail the liberty of speech and the liberty of the press, but it is intended to curtail also the liberty of private conversation in private houses. I will show this later on.

Now, Sir, the object of the Bill is that no one should criticise the mighty Indian army in any form. I can tell the House that so long as the present function of the military department in India exists and so long as those functions are worked out in the present manner, criticism is bound

to come. We know, Sir, what a large proportion of the Indian army was employed in the last war. We know that more than one-third of the army sent by Britain into the battle-fields belonged to India. Our soldiers had to die for Britain in Flanders, in Gallipoli, in Mesopotamia, in Palestine and other places, and my friend, Sardar Sant Singh, has shown with what ultimate benefit. So long as the army is utilised for imperial purposes, criticism is bound to come, and no law can prevent criticism. The Indian army, as it stands at present, has three-fold functions to perform. It keeps the internal tranquillity of the country, it is intended to stop external aggression, and it is also intended to contribute to the security of the British Commonwealth in the interest of Britain. Sir, we in this House and outside it have been fighting against the last function of the Indian troops in this country. We have been fighting for the principle that not a single Indian soldier should shed his blood in the interest of Britain. That is the cherished ambition of all, and I believe all the representatives of the country will admit that no patriotic Indian now likes that a single drop of Indian blood should be shed in Britain's interests. As for internal tranquillity, the power vested in the army is so much misused that it also invites public criticism. Sir, in times of peace it is illegal to throw bombs on innocent people; the League of Nations has made rules after rules, that it is illegal in times of peace to throw bombs on peaceful villagers from above. But in effect we find every day that our frontier people are being bombed in spite of all these directions of the League of Nations. So long as this state of things lasts, the actions of the military department will certainly invite criticism.

Now, what do they want to do by this Bill? They know that we have got no power to stop the taking of our army outside India; but so far they allowed us to indulge in honest criticism. Now, they want that we should not criticise their doings even. I will show that from clause 2 of the Bill. That clause says:

“Whoever wilfully dissuades or attempts to dissuade the public.....shall be punishable with imprisonment,” etc.

Now, Sir, the strangest thing of all is this: that the burden of proof has been shifted on the accused. What happens generally? A C. I. D. officer will report that such and such a man has done this; on his report action will be taken, and he will be prosecuted at once, hand-cuffed, taken to the lock-up and put into jail till the hearing of the case comes on. If by good luck he can extricate himself by proving that he did not do this wilfully, then he will be let off; otherwise not. It is known to everybody what a barassment it is to go to the lock-up hand-cuffed and to be put into prison before one's case is heard. So, before a man can extricate himself from this charge, he will have to undergo all these harassments and troubles and privations. This is very objectionable. As my friend, Mr. Satyamurti, has explained, according to criminal jurisprudence, the burden of proof for anything lies on the prosecution and not on the defence; but here the table is turned; and the burden of proof has been shifted to the defence. Again, what do we find in clause 2? Even in a private house, if a father gives some advice to his son regarding military matters, he can at once be prosecuted: he will be hand-cuffed and taken to the lock-up and to the jail, and he will have to prove his *bona fides* that he did not advise wilfully or dissuade him

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wilfully from joining the military or things like that. Nobody is safe if this Bill is passed. Even my friend here is not safe. Any private talk or anything can bring a prosecution against any man.

I come now to the preamble. It is the newest thing I have ever seen. It says :

“Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces.”

Now, if anybody criticises the doings of a captain in Canada or a captain in England, he is liable to be prosecuted here. It does not say that the prosecution will be limited to any criticism of His Majesty's forces in India. It is so framed that any criticism of His Majesty's forces outside India can, according to this Act, bring a man to jail. I have never seen or heard of a more monstrous Bill than this one. Nowhere in the world, I should say, there is a Bill like this, that anything said or done in a country against anybody in any other country can bring prosecution and jail.

I come to clause 1, that is, that this Act is to come into force at once in the Punjab. Why of all places has the Punjab been selected? Is it for the fact that the Punjabis are more docile than the people of other provinces? Is it because they have got the lowest mentality in India that this Bill has been enacted? Why have they not selected Bengal? They are afraid of Bengal bombs, and so they do not like to introduce it into Bengal first.

The policy underlying this Bill is, as I have said, to curtail further the liberty of speech and of the press; they go still further and they want to curtail the liberty of private talk even in private houses. All these are the outcome of British policy. A good deal has been said on the subject by my friend, Mr. Satyamurti, and I need not dilate on that further; but I will touch on just one point. They have disarmed us, they have curtailed everything; they have destroyed our prosperity; they have destroyed everything we had. They are not satisfied with this. They want to destroy our liberty of private talk even. Why, Sir? Why is this done? When their Turners and Walshes were slapped and kicked by the Japanese at Shanghai, they simply bowed before them. We have no arms and we have no means to oppose what they wish to do. We have no means to do anything against their wishes. They worship the powerful and kill the weak. That is the British nature. Ever since they came into India, they have been following a policy detrimental to the interests of the Muslims particularly. They destroyed the Muslim empire, and then they destroyed Muslim prosperity and established themselves in this country. Then, what did they do? With the money they got by this destruction, they began destroying the Muslim empire outside India and they succeeded in doing this and they have destroyed all the Muslim empires from the Atlantic to the Indian Ocean and from Adriatic to Persian Gulf. Now, they want more recruits from the Punjab, and what for? It is obvious. In the next fight, as in the last, they will employ Muslim soldiers of the Punjab in killing their Arab brethren in Palestine, in killing their Egyptian brethren, in killing their Turkish brethren and in subjugating their Afghan brethren. So, my friends, I have got a word of advice—especially to my Mussalman

friends, whether they belong to the Congress or to the Muslim League or the British League or no league : my advice is : " Look to the happenings of the past. These people have let loose their Dyers and O'Dwyers and shot non-Muslims at Jallianwallah Bagh. They let loose their Blandys to shoot the Muslims at Kulkati, and rest assured that, when they get an opportunity, they will not miss playing the same game both against the Muslims and against the non-Muslims. Before you come to any conclusion, before you decide whether to support this Bill or not, think of what happened in the past, and let the past happenings be your guide. ....

**Mr. K. Ahmed :** What about their Maulana Shaukat Ali ? What did he do before, and what is he doing now ?

**Maulvi Abdur Rasheed Chaudhury :** The cherished ambition of young Indians is to see that no more Indian blood is shed in the interest of Britain. That is the determination of all people in India, whether they belong to the Congress Party or the Muslim League Party or the non-Muslim League Party or to no party. That is the aim of everybody. This Bill aims at curbing that ambition, namely, that we do not like our soldiers to go outside India and fight for the interest of Britain. By this Bill the Government are not only curtailing our liberty of speech, but also the liberty of the press, they are curtailing our cherished ambition in the country. I warn the Government to think ten times before forcing this Bill on the House and I would appeal to all Honourable Members of the House not to support the Bill. I support the motion for the circulation of the Bill.

**Mr. Umar Aly Shah** (North Madras : Muhammadan) : Sir, the Government have introduced a Bill to amend the criminal law of the country. I have listened to the speeches of Honourable Members who have preceded me. I do not want to deal with this Bill at any length. I only want to say a few points on this Bill. If any man dissuades people from enlisting in the army, he will get two years rigorous imprisonment under the provisions of this Bill if it is enacted into law. Why do people go to the army for recruitment ? It is because of dire poverty and unemployment in the country, which the Government have deliberately created with a view to finding recruits for the Army which they want. Ordinarily nobody would like to go and fight for the interest of a foreign country, but, because people in India are starving, they gladly go to the army so that they may earn their livelihood. There is no other motive behind their mind in getting themselves enlisted into the army.

Leaders of India have for a long time been pressing for Indianising the army. At the same time, as is alleged by the Government in this Bill, if people are dissuaded from joining the army, then how can there be Indianisation. If Indians do not enlist themselves in the army, then they will recruit foreigners and cruel people for the army. In that case our ambition to Indianise the army will be spoiled. Another thing which is agitating my mind is this. Our great Leader Mahatma Gandhi has been preaching non-violence and non-co-operation. If we join the army, then I am afraid we will have to act against the creed of non-violence and non-co-operation. If we urge people to enlist in the army and fight, then we will not be practising non-violence and non-co-operation. We are thus placed in a difficult situation with regard to this Bill.

[Mr. Umar Aly Shah.]

I do not see how we can reconcile the doctrines of Mahatma Gandhi and, at the same time, join the army. Unless these points are cleared, I am afraid I will not be able to come to any conclusion as to whether I should support the measure or vote against the measure. If we remain as mere puppets without fighting, India may go into the hands of somebody else. It is within the recollection of the House that our Indian soldiers wherever they fought have brought great name and fame to India. They are noted for their valour and chivalry. History proves these qualities of the Indian soldier. I do not want to spoil that great reputation.

Another point which I wish to refer to is this. Till now our people do not know what the meaning of the word 'nation' is. We should not take up our sword for any civil war. We should fight only for the defence of our Motherland. No community should join the foreigner and fight against the interest of another sister community in India. I want that these important problems should be properly settled, before we can decide which side to vote on this measure. Whatever decision is taken on this Bill, nothing should be done to lower the chivalry and valour of our mother contry.

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I support the motion for circulation of this Bill. I have heard very carefully the speech that was made by the Honourable the Defence Secretary and I have also noted very carefully the feeling of amuse-ment which was created by the speech of the Honourable Member from the official block who hails from the Punjab. He talked of reality and the only point that he made in his maiden speech was that he had greater contact with the masses and that he was in a position to state that the peasants or the masses wanted this Bill at any rate in the Punjab. His argument was that every peasant in the Punjab asked, 'when is the next war coming' and from this the Honourable Member concluded that in order to facilitate war such a Bill was necessary. That was the logic of his whole speech. I have followed the activities of the peasants and the peasant organisations known as *kisan sabhas* in the Punjab. I do not claim to come from the Punjab which is very evident. I have been carefully reading the speeches of the *kisan* leaders in the Punjab and I have been carefully following their activities. I have no doubt that in the various conferences that have taken place during the last eighteen months, which is the period referred to by the Defence Secretary in his Statement of Objects and Reasons, resolutions have been passed against India's participation in any imperial war. If such expression openly made in public conferences is not to be considered the public opinion of the province, then nothing else can very properly be considered the public opinion of that province. It may be very easy for the Honourable Mr. Reality to say that the peasants want war, and the curious reason that he gave as to why they wanted war was that they would get better prices for their materials, and for their crops. Perhaps the Honourable Mr. Reality and those who are....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should mention a Member only by his proper name.

**Mr. N. V. Gadgil** : Very well, Sir. There may be other persons who stand to gain materially if there is a war in India. They may be official, they may be non-official contractors, there may be many people who help

the Government in raising loans and realising them. There may be other categories of persons who are interested in any war. But India as a whole—and when I say that, I include the Punjab—does not want any war which is calculated to advance the imperial schemes or imperial objects of Great Britain. When I say this, it does not mean that India will not help to fight a war which is just, which is righteous and which is waged exclusively for the defence of Indian frontiers. If that distinction is clearly observed in the discussion of this Bill, the many accusations that have been made against public workers in the speech of the Defence Secretary would be sadly out of place. I think it is nobody's case that India should not fight any war, but it is certainly the case of my Party, and I think of the Opposition taken as a whole, that the Indian people will have nothing to do with any war in which India has nothing to lose and Great Britain have everything to gain. I, therefore, attack this Bill because I suspect that this Bill has been brought forward not with a view to check any fall in the normal recruitment to the army, but it seems obvious that it has been brought forward to help the war which seems to have been visualised by the Defence Department, and the various steps that the Defence Department has taken in the course of the last eighteen months—I particularly emphasise this period for a different purpose—will go to show that, at any rate, the Defence Department is conscious that some war is coming and is equally conscious that in this war the Indian people will not participate on the obvious ground that this war is not going to be waged for the advancement of India. If this is the object of the Bill, then it will be up to us, to every section of the House, to oppose it. Why should India be dragged in a war, and the modern war will not be a war between one country and another country, but it will be a war for which the field of operation will extend in the picturesque phraseology of a Japanese General from China to Peru.

**Mr. K. Ahmed :** How do you know ?

**Mr. N. V. Gadgil :** Unfortunately, I have a measure of intelligence.

**Mr. K. Ahmed :** As you are a Brahmin.

**Mr. N. V. Gadgil :** ...and, therefore, I use it in evaluating the events as they occur and that has led me to this conclusion that when the next war comes, it will be a war not between one country and another, single-handed, but it will be a war in which nations will fight against nations. The exact alignment may be on the economic doctrine of Fascism as against Communism, but that is not the point that I am discussing now. I am only stating, to start with, that it will be world war and it cannot be confined merely to one country fighting against another. If that is so, why should India participate in such a war unless the national existence of India is jeopardised ? If we take a review of the world situation today, we will find that if there is any country which has nothing to fear by way of aggression of any other country it is India herself. If this proposition is acceptable, then I go a step further and say that the case for our non-participation in a war is stronger still. If it is shown—as was shown with some show of reason in the year 1914 and subsequent years, that the great world war was waged to make the world safe for democracy, the unfortunate result was that the world was made safe for hypocrisy and particularly British hypocrisy. In those years from 1914-1918, all that we were told was that this world war was being fought in the cause of justice and

[Mr. N. V. Gadgil.]

righteousness and the integrity of small nations, and we then believed in the promises and the statements made by British Premiers and British publicists, that India, being not a small nation but a big nation, would certainly be guaranteed its political integrity and would make a greater advance towards self-government.

**Mr. K. Ahmed :** If you cannot help yourself, how can you become a nation ? You are fighting amongst yourselves.

**Mr. N. V. Gadgil :** The experience of our participation in the great world war which went on from 1914 to 1918 was that we lost lakhs of our young men. We contributed our power both in money and men and munitions, and what was the result ? Firstly, the Jallianwala Bagh in the Punjab. Those who now talk about the Punjab being eager for joining the army or for welcoming this Bill, just in their own interest, should retrospectively review the events that took place in the Punjab in the months of April and May, 1919. They will find that participation in any imperial war may bring money, a few hundreds of rupees for a few peasants, may bring more money for the recruiting officers, still more for the *Dalals* who negotiate war loans ; but for the general peasantry, for the general masses there won't be any economic advancement and so far as political advancement is concerned it will be the same history repeated again. Therefore, so far as this point is concerned, I cannot bring myself to believe that my country will be justified in participating in any imperial war the object of which is to safeguard the British Empire. That institution, I think, has outlived its utility if there was any. I agree with my Honourable friend, the Deputy Leader of my Party, that the end of the British Empire will herald an era of peace, prosperity and plenty in the whole world. This may sound absurd to some Members on the opposite Benches, but those who have studied the events and policies associated with this Empire will have to come to the conclusion, howsoever reluctantly it may be, that on balance this institution has done more harm both to the Hindus and the Muhammadans.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th August, 1938.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 16th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

PLACING BEFORE THE LEGISLATIVE ASSEMBLY CERTAIN DEMANDS FOR GRANTS.

223. **\*Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Finance Member state :

- (a) whether Government have considered the reasons which led the Assembly to throw out the Budget in the last Budget session ; and
- (b) if so, whether they have considered the advisability of placing before the Assembly in future the demands for the grants which were omitted ?

**The Honourable Sir James Grigg** : I would invite the attention of the Honourable Member to the statements I made in this House on the 2nd March, 1938, and in the Council of State on the 4th March, 1938.

**Mr. T. S. Avinashilingam Chettiar** : May I know if this matter was considered after the Budget was thrown out ?

**The Honourable Sir James Grigg** : If the Honourable Member will refer to the two statements to which I have referred, he will see that I then took up the attitude that Government had no option in the matter.

**Mr. T. S. Avinashilingam Chettiar** : The Honourable Member has referred to his speech of the 2nd March. The Budget was thrown out later. Was the matter considered after it was thrown out ?

**The Honourable Sir James Grigg** : Government took up the attitude that they had no option in the matter and it is no good reconsidering it.

**Pandit Lakshmi Kanta Maitra** : What was the answer to part (b) ?

**The Honourable Sir James Grigg** : I have invited the Honourable Member's attention to the two statements I have made in March last.

**Mr. S. Satyamurti :** The Honourable Member said that they had no option in the matter. May I take it that they were advised that they had no legal option in the matter or was it a matter of prestige ?

**The Honourable Sir James Grigg :** Both legal and constitutional advice.

#### CONSTITUTION AND POWERS OF THE NEW STANDING FINANCE COMMITTEE.

224. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

- (a) whether Government have come to a conclusion over the nature of the constitution and powers of the new Standing Finance Committee which is proposed to be set up instead of the old Finance Committee ; and
- (b) whether he expects to move the motion for consideration of this matter in this session ?

**The Honourable Sir James Grigg :** I have circulated a memorandum on the subject to the Leaders of Parties in this House and I am awaiting their observations.

**Mr. T. S. Avinashilingam Chettiar :** When was it circulated ?

**The Honourable Sir James Grigg :** I think a week or ten days ago.

**Mr. N. M. Joshi :** Does the memorandum contain proposals for the establishment of the Estimates Committee ?

**The Honourable Sir James Grigg :** Yes, Sir.

**Mr. T. S. Avinashilingam Chettiar :** When does the Finance Member propose to have the new committee constituted ?

**The Honourable Sir James Grigg :** Will the Honourable Member address his own leader on the subject.

**Mr. T. S. Avinashilingam Chettiar :** Does the Honourable Member expect to have this done in this Session ?

**The Honourable Sir James Grigg :** I would again ask the Honourable Member to address his leader on the subject.

**Mr. T. S. Avinashilingam Chettiar :** I am here to address myself to the Finance Member.

**The Honourable Sir James Grigg :** I have already given the answer.

#### INCREASE IN THE PAY AND ALLOWANCES OF BRITISH SOLDIERS AND OFFICERS.

225. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

- (a) since 1932 how many times the pay and allowances of British soldiers and officers have been increased ;

(b) what the reasons for such increases have been ; and

(c) what the total financial effect of these increases has been ?

**Mr. C. M. G. Ogilvie :** (a) In the case of British other ranks, concessions were made on three occasions. In 1936, a grant of proficiency pay was sanctioned. In 1937, certain allowances were sanctioned, and in April last an increase of pay and also of allowances was granted.

An increase of pay for British officers was announced in the House of Commons on the 28th of July, 1938, by the Secretary of State for War.

(b) and (c). I refer the Honourable Member to my speech of the 9th of August last on Mr. Satyamurti's adjournment motion. The financial effect of the 1936 increase was Rs. 7,33,000 and of the 1937 increases about Rs. 37 lakhs.

**Mr. Badri Dutt Pande :** Have any increase in allowances and pay been given in the intervening period to Indian troops also ?

**Mr. C. M. G. Ogilvie :** I should require notice of that.

**Mr. N. M. Joshi :** May I ask whether the proficiency allowance is given to all or only to a selected few and proficiency in what ?

**Mr. C. M. G. Ogilvie :** Only to those who attain proficiency in the exercise of their functions.

**Mr. T. S. Avinashilingam Chettiar :** What is the total financial effect of all these increases put together ?

**Mr. C. M. G. Ogilvie :** The Honourable Member will get it if he adds them up. I am not very good at rapid mental arithmetic, but I think he will find it is about 196 lakhs.

**Seth Govind Das :** Have the Government decided to give effect to this increase every year practically ?

**Mr. C. M. G. Ogilvie :** I have told you what has actually been done.

**Pandit Lakshmi Kanta Maitra :** May I know from the Honourable Member whether in these cases the initiative was taken by the Defence Department or the increases in pay and allowances were given as a result of the recommendations of the Home Government ?

**Mr. C. M. G. Ogilvie :** I would refer the Honourable Member to the speech I made on the 9th August last.

**Pandit Lakshmi Kanta Maitra :** There is nothing in that speech.

**Mr. President** (The Honourable Sir Abdur Rahim) : The matter was fully discussed then. Next question.

#### MILITARY LANDS.

226. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

(a) whether lands called military grounds are being held by the Army Department in various parts of the country ;

- (b) whether they have a list of such lands ;
- (c) whether these lands are used rarely, or not at all ; and
- (d) if so, whether Government have considered if it is still desirable to possess such lands ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) Yes.

(c) The present practice is that only those military camping grounds shall be maintained which may be required for a particular purpose (*e.g.*, training moves, relief moves, etc.), and in respect of which the maintenance charges are calculated to be less than compensation charges for occasional occupation.

(d) Yes. The lands which the Central Government do not consider it necessary to retain for military purposes are being disposed of by them in consultation with the Provincial Governments concerned.

**Mr. T. S. Avinashilingam Chettiar :** How many of these lands were found to be unnecessary ? Are the Government prepared to dispose of them ?

**Mr. C. M. G. Ogilvie :** The lands are extremely numerous and if the Honourable Member wants exact information, I must ask for notice.

**Mr. S. Satyamurti :** When was the question last examined as to the necessity or otherwise of the Military Department keeping these lands ?

**Mr. C. M. G. Ogilvie :** I shall require notice of that too. Speaking off-hand, the answer to Mr. Satyamurti's question is last April.

**Mr. S. Satyamurti :** Have Government re-examined that question subsequently ? To my own knowledge, there are many military lands which are not likely to be used by the Defence Department at any time.

**Mr. C. M. G. Ogilvie :** The Government of India are not in possession of the private information which Mr. Satyamurti has collected in Madras but as I have made it quite clear, the policy has been laid down definitely and absolutely that camping grounds shall not be retained unless the maintenance charges are calculated to be less than compensation charges for occasional occupation.

**Mr. Badri Dutt Pande :** A good many camping grounds in the hills have been deserted and they are still in the possession of the Military. Why are they not sold to private persons ?

**Mr. C. M. G. Ogilvie :** The answer I have given covers grounds both in the hills and in the plains.

**Mr. T. S. Avinashilingam Chettiar :** Do you publish particulars of the grounds not wanted, so that people can buy them if they want to ?

**Mr. C. M. G. Ogilvie :** A list of the camping grounds has been published.

**Mr. T. S. Avinashilingam Chettiar :** Has a list of the camping grounds not wanted been published ?

**Mr. C. M. G. Ogilvie :** I do not know whether a list of those which are not required has been published but as I have stated they are disposed of in consultation with the Provincial Governments concerned.

**Mr. T. S. Avinashilingam Chettiar :** Do you get money in return ?

**Mr. C. M. G. Ogilvie :** Yes.

**Mr. T. S. Avinashilingam Chettiar :** To which account are they credited ?

**Mr. C. M. G. Ogilvie :** I presume to the general revenues, in the ordinary way.

#### CASES OF INDISCIPLINE AMONGST THE INDIAN PERSONNEL OF THE ARMY.

227. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

- (a) whether there have been cases of grave indiscipline amongst the Indian personnel of the Indian Army in the last three years ;
- (b) how it compares with cases of indiscipline in the British portion of the Indian Army ; and
- (c) if there is a marked difference, what is the reason for this difference ?

**Mr. C. M. G. Ogilvie :** (a) Yes, a few.

(b) and (c). The discipline of both the British and Indian personnel of the army in India is extremely good, and there is no room for comparison.

**Mr. T. S. Avinashilingam Chettiar :** The Honourable Member said ' a few ' ; may I know what is the number ?

**Mr. C. M. G. Ogilvie :** As a result of considerable researches, I have obtained figures for the last year which were in the case of British troops 27 and in the case of Indian troops 50. It must be remembered however that the numbers of Indian troops are considerably greater than of British troops.

**Sardar Sant Singh :** Does this refer to officers or the rank and file ?

**Mr. C. M. G. Ogilvie :** Officers are not normally guilty of grave indiscipline.

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\*This question was postponed. See starred question No. 579 set out for the 29th August, 1938.

CREATION OF A POOL OF OFFICERS FOR THE FINANCE DEPARTMENT.

229. \***Seth Govind Das** : Will the Honourable the Finance Member please state :

- (a) whether it is a fact that a pool of officers for the Finance Department of Government will soon be created ;
- (b) the reasons for this action ;
- (c) whether details of the scheme are available and will be placed on the table ; and
- (d) whether the scheme forms part of the reorganisation of the Central Secretariat recommended by the Wheeler Committee ?

**The Honourable Sir James Grigg** : (a), (b), (c) and (d). I invite the attention of the Honourable Member to my reply to starred question No. 112 asked by Mr. K. Santhanam on the 10th August, 1938, and to the Press Note issued on 17th November, 1937, on the subject.

**Mr. T. S. Avinashilingam Chettiar** : May I know the answer to clause (d), Sir ?

**The Honourable Sir James Grigg** : I have given an omnibus answer to all four questions.

**Mr. T. S. Avinashilingam Chettiar** : May I point out that the answer to which he has referred does not cover clause (d) of the question ?

**The Honourable Sir James Grigg** : If the Honourable Member will refer to the press note, he will have the answer to clause (d).

AMENDMENT OF SECTION 11 OF THE PREVENTION OF CRUELTY TO ANIMALS ACT.

230. \***Mr. Govind V. Deshmukh** : Will the Honourable the Home Member please state :

- (a) if any correspondence passed between the Government of India and the President of the Society for the Prevention of Cruelty to Animals, Madras, in 1936, in respect of the proposal for the amendment of section 11 dealing with ' Saving with respect to religious rites and usages ' of the Prevention of Cruelty to Animals Act XI of 1890 as a result of mass animal sacrifices and the procession of the carcasses of sacrificed animals at Ellore and other places ;
- (b) if his attention has been drawn to the letter by the Honorary Secretary, Nilgiris Society for the Prevention of Cruelty to Animals, that appeared in the *Hindu*, of the 1st June, 1938, under the heading ' Animal sacrifice at Ootacamund ' ;
- (c) if Government have been approached recently by the Society for the Prevention of Cruelty to Animals, Madras, with a request to amend section 11 of the Prevention of Cruelty to Animals Act ; and

- (d) if they intend to give effect to the representations made by the Society for the Prevention of Cruelty to Animals, when the new official Bill for amending the Prevention of Cruelty to Animals Act would be considered ?

**The Honourable Mr. R. M. Maxwell :** (a), (b) and (c). The answers are in the affirmative.

(d) In the form in which it now stands, the Bill includes no amendment of section 11 but deals with the problem referred to in the Honourable Member's question by amending section 12 with the effect of including section 11 in the sections which Provincial Governments are free to put into force or not as they think fit. The Bill, as the Honourable Member is aware, is now before a Select Committee and the Committee will be free to propose any alternative mode of treatment which may seem to it to be expedient.

#### INTRODUCTION OF " STAMP SCRIP " IN INDIA.

231. **\*Mr. Govind V. Deshmukh :** Will the Honourable the Finance Member please state :

- (a) if ' stamp Scrip ' was used in Germany in 1919, and in Bavaria and Austria in 1931 in the days of depression ; and  
(b) if Government propose to introduce it in India now, at least as a temporary measure, in these days of distress and unemployment ; if not, why not ?

**The Honourable Sir James Grigg :** (a) Government have no precise information.

(b) No, Sir. Government take the view that an expedient of this kind would do harm rather than good.

**Mr. S. Satyamurti :** May I ask why the Government say that an expedient of this kind would do harm rather than good, without their having any exact information about it—as the Honourable Member says in reply to part (a) of the question ?

**The Honourable Sir James Grigg :** Government have a good deal of general information, but no precise information.

**Sardar Sant Singh :** May I know what is the meaning of " stamp Scrip " ?

**The Honourable Sir James Grigg :** I am quite prepared to give the Honourable Member a lecture in private, or the Honourable Member can ask the Honourable Member who put down the question.

#### EXEMPTION OF ARTICLES OF DAILY USE OF PASSENGERS ON SHIPS FROM ASSESSMENT OF CUSTOMS DUTY.

232. **\*Seth Govind Das :** Will the Honourable the Finance Member please state :

- (a) whether it is a fact that articles of daily use of passengers on ships are exempted from assessment of custom duty ;

- (b) if not, whether he is aware that it causes inconvenience to passengers when articles like combs, talcum powder, fruits, medicines, fountain pens, etc., are subjected to custom assessment ; and
- (c) whether Government are prepared to modify or cause to modify the existing customs schedule, so as to exempt articles of daily use and articles intended for presents also ?

**Mr. A. H. Lloyd :** (a) Under the baggage rules, articles which are *bonâ fide* personal effects and not intended for sale are, with certain exceptions, exempted from import duty.

(b) Government are not aware that any inconvenience has been caused to passengers in respect of such *bonâ fide* personal effects.

(c) Government are not prepared to exempt from duty articles imported by passengers which are not meant for their own use.

#### PROHIBITION ON THE IMPORT OF CERTAIN BOOKS INTO INDIA.

233. **\*Shrimati K. Radha Bai Subbarayan :** Will the Honourable the Home Member be pleased to state :

- (a) if and when the import into India of the following books was prohibited :
  - (i) Fascism and Social Revolution ; and
  - (ii) World Politics, 1918—1936 ?

(b) if the answer to part (a) be in the affirmative, what are the reasons for such prohibition ?

**The Honourable Mr. R. M. Maxwell :** (a) and (b). Yes. The books fall within the scope of the general notification issued under the Sea Customs Act on the 10th September, 1932, prohibiting the entry of communist propaganda into India.

**Shrimati K. Radha Bai Subbarayan :** Could the Honourable Member inform us of the specific reasons for which these books are banned ?

**The Honourable Mr. R. M. Maxwell :** That is the specific reason.

**Shrimati K. Radha Bai Subbarayan :** May I know if the book to which the Honourable the Commerce Member referred yesterday is also banned under the same regulations ?

**The Honourable Mr. R. M. Maxwell :** I believe so.

**Shrimati K. Radha Bai Subbarayan :** Are Government aware that these books and several other books which have been banned by the Government are recommended by educationists in schools and universities in England to students to study, and that it causes serious inconvenience to students when they come home for their holidays and their books are confiscated in Bombay by the customs officials ?



**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is giving information.

**Mr. Bhulabhai J. Desai** : The Honourable Member asks, Sir,—“ are Government aware that these books are recommended for study in English schools and universities ? ”.

**The Honourable Mr. R. M. Maxwell** : No, Sir, I am not so aware, but in any case the only thing we are concerned with is that they fall within the scope of the notification in force in this country.

**Shrimati K. Radha Bai Subbarayan** : May I ask the Honourable Member to inform this House of the particular danger Government hope to save this country from if they prohibit the entry of these books which Indians are allowed to read outside India ?

**The Honourable Mr. R. M. Maxwell** : That is too big a question to answer, Sir.

**Mr. S. Satyamurti** : May I ask whether Government are satisfied that these two books—“ Fascism and Social Revolution ” and “ World Politics, 1918—1936 ”—are written, with a view to propagating communist ideas ?

**The Honourable Mr. R. M. Maxwell** : Will the Honourable Member kindly repeat his question ?

**Mr. S. Satyamurti** : My Honourable friend said that these books are prohibited under the Sea Customs Act and that all books tending to propagate communist ideas would be prohibited. May I know whether Government have satisfied themselves that these two books do propagate communist ideas ?

**The Honourable Mr. R. M. Maxwell** : That was only a general description of the notification. The notification actually prohibits the importation of any documents issued or emanating from the Communist International or any organization affiliated to or controlled by or connected with the Communist International or any person holding office in any such organization. The author of the two books referred to in this question is one Mr. R. P. Dutt, who is an office-holder of the communist party of Great Britain.

**Mr. S. Satyamurti** : May I know if these books are prohibited because of the classification of the author under one of these categories, and not because of what is contained in these books ?

**The Honourable Mr. R. M. Maxwell** : Certainly, Sir.

**Mr. S. Satyamurti** : May I know if the Government have read these books, or anybody else has read these books on behalf of the Government, and may I know if Government have come to that conclusion because X is the author of these books, and, therefore, they must be prohibited ?

**The Honourable Mr. R. M. Maxwell** : Government have read the book but what applies is the notification.

**Mr. S. Satyamurti :** May I ask who read the books on behalf of the Government, and whether Government were advised by that gentleman that these books should be banned as they advocate communist propaganda, and whether that gentleman is competent to advise the Government to this effect ?

**The Honourable Mr. R. M. Maxwell :** That does not arise. I only said that books that advocate communist propaganda are debarred under the notification.

**Mr. S. Satyamurti :** Sir, my Honourable friend first said that these books are prohibited under the first category, and when I asked him as to whether they were prohibited because of the nomenclature of the author and not because of the contents of the book, he said that the books had been read and were prohibited because they came under the category of communist propaganda. I want an elucidation of the point as to whether any one had read the book on behalf of the Government and whether the Government came to this conclusion as the result of the advice of this gentleman.

**Mr. President** (The Honourable Sir Abdur Rahim) : The point is, whether any official advised the Government.

**Mr. S. Satyamurti :** May I know whether any human brain was applied to this book ?

(No answer.)

**Mr. N. M. Joshi :** May I ask whether the Government of India ban also books that propagate Fascist ideas or Fascism has become the creed of the Government of India ?

**The Honourable Mr. R. M. Maxwell :** We have not yet reached that stage.

**Prof. N. G. Ranga :** When were these books banned, Sir ?

**The Honourable Mr. R. M. Maxwell :** The notification was dated 1932.

**Prof. N. G. Ranga :** In view of the fact that these books were being sold by Higginbothams, authorised book-sellers for the Railways controlled by this Government even in 1936, and 1937, may I know whether this notification issued in 1932 still holds good, and if the books are today being sold anywhere and everywhere but they are still liable to be confiscated by Government ?

**The Honourable Mr. R. M. Maxwell :** Do I understand the Honourable Member to say that the books referred to are now on sale in railway book-stalls ?

**Prof. N. G. Ranga :** They were on sale in 1937, or at the end of that year.

**The Honourable Mr. R. M. Maxwell :** I am very much obliged to the Honourable Member for the information.

**Prof. N. G. Ranga :** May I know what action the Government propose to take against their customs officials and other people responsible for prohibiting these books while they have allowed entry of these books all these years ?

**The Honourable Mr. R. M. Maxwell :** I can assure the Honourable gentleman that we shall look into it.

**Prof. N. G. Ranga :** Can the Government of India assure us that any definite announcement was made by the Government of India, or did they depend only upon the arbitrary decision of the customs officials in regard to the banning of these particular books ?

**The Honourable Mr. R. M. Maxwell :** The customs officials merely have to apply the notification under the Sea Customs Act.

**Prof. N. G. Ranga :** Are we to understand that any book and every book that emanates from Mr. R. P. Dutt is to be considered by a customs official as being liable to be banned, or was a notification issued giving instructions in regard to any one of the books published by that particular gentleman ?

**The Honourable Mr. R. M. Maxwell :** Any book emanating from Mr. R. P. Dutt will be intercepted under the Sea Customs notification.

**Mr. Muhammad Azhar Ali :** May I ask whether universities and English clubs also are prohibited from keeping books like these ?

**The Honourable Mr. R. M. Maxwell :** If the notification is applied properly, the clubs would not be able to get hold of these books.

**Mr. T. S. Avinashilingam Chettiar :** Will Government consider the advisability of going through the books and not banning them omnibus ?

**The Honourable Mr. R. M. Maxwell :** That is merely a suggestion.

**Mr. N. M. Joshi :** In view of the fact that the banning of these books leads to smuggling and also leads to wrong ideas about communism being formed in this country, will the Government of India consider the advisability of re-considering their notification ?

**The Honourable Mr. R. M. Maxwell :** If the Honourable Member's argument held good, it would also apply to the removal of restrictions on the importation of opium and various other things.

#### CHANGES IN THE ARMY IN INDIA AS A RESULT OF THE TALKS BETWEEN THE GOVERNMENT OF INDIA AND THE WAR OFFICE.

**234. \*Sardar Mangal Singh :** (a) Will the Defence Secretary please state what changes have been, or are likely to be effected in the Army in India as a result of the talks between the Government of India and the War Office ?

(b) What will be their financial effect on the military expenditure of the Government of India ?

**Mr. C. M. G. Ogilvie :** (a) and (b). I refer the Honourable Member to my reply to starred questions Nos. 95, 113 and 131 asked on the 10th August, 1938, on the same subject, and to supplementary questions arising therefrom.

**Mr. Manu Subedar :** May I ask if it is the intention of the Government now to take the Leaders of the Parties in this House into their confidence and to place before them the subject-matter of these talks ?

**Mr. C. M. G. Ogilvie :** No, Sir. There is nothing as yet which can be laid before anybody.

**Sardar Mangal Singh :** Sir, the information asked in this question is entirely different. I want to know whether there will be any changes in the Indian side of the army as a result of those talks ?

**Mr. C. M. G. Ogilvie :** I am afraid the Honourable Member will have to wait for some little time to find that out.

#### CONDITIONS FOR THE GRANT OF MILITARY PENSIONS.

235. **\*Sardar Mangal Singh :** (a) Will the Defence Secretary please state whether it is a fact that Military Pensions are granted only on the condition that a pensioner actively supports the Government ?

(b) Is this condition, and other conditions, made known to the pensioner at the time of the grant of pension ?

(c) What is the significance of " Actively supports the Government " ?

(d) Is it permissible under the Military Pension Rules for a pensioner to vote for, to support, or himself stand as a candidate, on Congress ticket to any Legislature or a Local Body ?

**Mr. C. M. G. Ogilvie :** (a) No.

(b) and (c) Do not arise.

(d) I refer the Honourable Member to the answer given by me to parts (a), (b) and (c) of his starred question No. 91 on the 10th of this month.

**Mr. Lalchand Navalrai :** With regard to clause (d), will the Honourable Member tell me, in view of the fact that the Congress is no more their enemy, why they have put restrictions on the Congress ?

**Mr. C. M. G. Ogilvie :** I refer the Honourable Member to the answer I have just given.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has answered this very question before and the Honourable Member (Mr. Lalchand Navalrai) ought to look it up.

**Mr. Lalchand Navalrai :** In view of the fact that they are prohibited—and I take it that that was the answer given before—I want to know, because the Congress are no more their enemies, why they have put that restriction ?

**Mr. C. M. G. Ogilvie :** The Honourable Member will save himself much trouble if he will look up the answer I gave to starred question No. 91 on the 10th of this month.

**Mr. Badri Dutt Pande :** Is it a fact that a certain soldier's pension was confiscated because he harboured a Congress man ?

**Mr. C. M. G. Ogilvie :** I must ask for notice of this question.

**Sardar Mangal Singh :** What I want to know, Sir, is whether a military pensioner can stand on the Congress ticket to any Legislature or a local body ?

**Mr. C. M. G. Ogilvie :** I again refer the Honourable Member to the answer I gave in full to his own question on the 10th instant.

**Sardar Mangal Singh :** In that answer the Honourable Member.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Has the Honourable Member got the answer.

**Sardar Mangal Singh :** I remember the answer in which he referred only to 'any political body'. He did not name the Congress. I want to know definitely whether a military pensioner can stand on the Congress ticket to any Legislature or to any local body. Last time, he gave an evasive reply to my question.

**Mr. C. M. G. Ogilvie :** I strongly object to that remark.

**Sardar Mangal Singh :** Will you please first read your previous answer ?

**Mr. C. M. G. Ogilvie :** I first demand that the Honourable Member should withdraw his insulting remark.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member (Sardar Mangal Singh) has not verified his remark.

**Mr. S. Satyamurti :** We have read the answer. Let me submit that in that answer there was no answer to the question whether the military pensioners can or cannot stand on the Congress ticket to Legislatures and to Local Boards.

**Mr. C. M. G. Ogilvie :** Here, Sir, is the answer and it completely covers everything that the Honourable Member asks.

“ A military pensioner may vote for the candidate of any political party, or stand himself for election, or become a member of any committee or other organisation of any party, but it must be understood that active participation in any movement which aims at overturning the Government by unconstitutional or unlawful means may result in the forfeiture of pension.”

**Sardar Mangal Singh :** In that question, I definitely asked whether a military pensioner can become a member of the provincial Congress Committee and whether a military pensioner can stand on the Congress ticket and the Honourable Member gave a reply in which even the word "Congress" is not mentioned.

**Mr. President** (The Honourable Sir Abdur Rahim) : I take it that "any political party" includes the Congress Party.

**Maulana Zafar Ali Khan :** In view of the fact that a definite declaration has been made on the floor of the House that the Congress is not the enemy of the British Government, I should like to know whether the Congress is the friend of the British Government or its enemy ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not require any answer.

**Mr. S. Satyamurti :** The Honourable Member said in his previous answer that any participation in activities tending to subvert the Government will lead to the forfeiture of the pension. I now ask what the present attitude of the Government is towards the Indian National Congress and whether, in view of that proviso, Government are agreeable to allow the military pensioners to stand on the Congress ticket to Legislatures and to local bodies ?

**Mr. C. M. G. Ogilvie :** So long as the Congress remains a constitutional party and operates in a constitutional manner, there is no possible objection of any kind to military pensioners joining it.

#### RECRUITMENT OF VETERINARY ASSISTANT SURGEONS.

236. **\*Sardar Mangal Singh :** (a) Will the Defence Secretary please state how many Veterinary Assistant Surgeons have been recruited to the Army from the 1st January, 1938 ?

(b) How many graduates from the Punjab Veterinary College, Lahore, have been taken in the Army from the 1st January, 1938 ?

**Mr. C. M. G. Ogilvie :** (a) Five.

(b) None.

**Mr. T. S. Avinashilingam Chettiar :** In view of the policy of the Government stated previously that civilians will be recruited to these veterinary posts, have they been recruited and have they replaced the British military officers in that Department ?

**Mr. C. M. G. Ogilvie :** I imagine they have.

**Mr. T. S. Avinashilingam Chettiar :** I do not want your imagination : I want facts !

**Mr. C. M. G. Ogilvie :** Then the Honourable Member had better give notice of his question.

**Mr. M. Ananthasayanam Ayyangar :** May I ask why is it that not even one of these five was selected especially in view of the fact that a candidate was successful from the Punjab Veterinary College ?

**Mr. C. M. G. Ogilvie :** The reason why no one was selected from the Punjab was that no one from the Punjab applied.

SERVICES OF THE BRITISH TROOPS REQUISITIONED BY PROVINCIAL  
GOVERNMENTS TO DEAL WITH COMMUNAL RIOTS.

237. **\*Sardar Mangal Singh :** Will the Defence Secretary please state which Provincial Governments have requisitioned the services of the British troops in dealing with communal riots from July, 1937 ?

**Mr. C. M. G. Ogilvie :** Provincial Governments when asking for the assistance of troops are not allowed to lay down the composition of the force to be employed.

During the period stated, British troops were called out in connection with communal disturbances four times at the request of the United Provinces Government for military assistance and once at the request of the Bengal Government.

British troops were also kept in readiness in connection with communal disturbances three times at the request of the United Provinces Government, once each at the request of the Central Provinces and Bombay Governments and once at the request of the Chief Commissioner, Delhi ; but in these cases were not required to move.

**Mr. T. S. Avinashilingam Chettiar :** May I ask whether any Provincial Government has shown any anxiety to have British troops for internal security purposes ?

**Mr. C. M. G. Ogilvie :** They have not actually expressed that anxiety.

†238\*.

GENTLEMEN HAVING CONTRACTS OR AGENCIES OF SUPPLYING *Ghee* TO SOLDIERS  
OF THE ARMY.

239. **\*Mr. Sham Lal :** Will the Defence Secretary be pleased to state :

- (a) the names of different gentlemen having contracts or agencies of supplying *ghee* (clarified butter) to soldiers of the Indian Army, year after year, during the last decade ;
- (b) the length of period after which these tenders are being called ; and
- (c) if several of these gentlemen have had their monopolies during the major portion of the last ten years ?

†This question was postponed. See question No. 507 set out for the 25th August, 1938.

**Mr. C. M. G. Ogilvie :** (a) and (c). I refer the Honourable Member to my answers to Mr. Pande's starred questions Nos. 639 and 1247 asked during the last Session, and the agreements subsequently placed in the Library of the House.

(b) Tenders were last called for in 1932.

#### NON-INCLUSION OF CERTAIN AREAS IN THE BAZAR AREA OF THE LAHORE CANTONMENT.

240. **\*Mr. Sham Lal :** (a) With reference to starred question No. 1006 of Mr. N. V. Gadgil, answered on the 25th March, 1938, will the Defence Secretary be pleased to state whether it is a fact that since the question under reference was answered, the Cantonment Board of Lahore unanimously recommended that civilian areas like the High School playground, library and bazar garden, Mehtab Rai Ahata, Saddar Bazar market, Sanatan Dharma School, Aggarwal Dharamsala, Lalkurti Bazar, Lalkurti Tank, temple and garden, Saddar Bazar woodstalls, *Idgah*, Diggi temple, Saddar Bazar Primary School, No. 2, Ahata Ghasiram, and other areas, should be included in the bazar area of this cantonment ?

(b) Is it not a fact that military officers and the elected members supported the proposal to include this area within the bazar area ?

(c) Is it also not a fact that even the Brigade Headquarters agreed with the proposal ?

(d) Is it a fact that the proposal has now been turned down either by the Northern Command or by the Government of India ? If so, why ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (c). Yes.

(d) Yes, because it was considered undesirable to include some of the areas in the bazar owing to the fact that they pertained to the British Military Hospital and others because they consisted of agricultural land, for the inclusion of which in the bazar area there appeared to be insufficient justification.

#### IMPORTING OF CLERKS FROM OTHER CANTONMENTS BY THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT.

241. **\*Mr. Sham Lal :** (a) With reference to his answer to question No. 1095 of the 30th March, 1938, will the Defence Secretary be pleased to state what steps Government took to stop the practice, which the Executive Officer of Lahore Cantonment followed in Deolali, of importing clerks from previous cantonment in which he served ?

(b) Is it a fact that in Lahore Cantonment the very same Executive Officer has framed the so-called reorganisation scheme in which the services of some servants of the Cantonment Board drawing salary below Rs. 25 are to be dispensed with and new ones are to be imported ?

(c) How many persons drawing Rs. 25 or less have been employed by the Executive Officer since his arrival in Lahore Cantonment and how many have been turned out ?



**Mr. C. M. G. Ogilvie :** (a) The necessary instructions were issued in 1935.

(b) No.

(c) 14 and 20.

**FAILURE OF THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT BOARD TO COMPLY WITH A REQUISITION FOR A SPECIAL MEETING OF THE BOARD.**

242. **\*Mr. Sham Lal :** (a) With reference to the information placed on the table of the House on the 1st April, 1938, in reply to starred question No. 898 of the 22nd March, 1938, will the Defence Secretary be pleased to state whether it is not a fact that the Executive Officer in his letter to the Vice-President to the Lahore Cantonment Board wrote that the matter for which a special meeting of the Board was being convened, was not a matter of public importance and therefore the President did not desire to convene the meeting ?

(b) Is it not a fact that the Vice-President of the Cantonment Board did not withdraw the requisition for the special meeting in question and had no authority to withdraw the same by himself, as it was signed by four elected members who were never consulted ?

**Mr. C. M. G. Ogilvie :** (a) No.

(b) The attention of the Honourable Member is invited to part (b) of the reply furnished on 1st April, 1938, to starred question No. 898 by Mr. N. V. Gadgil.

The Government of India have no information as to whether the other signatories of the requisition agreed to the action taken by the Vice-President.

**Mr. Sham Lal :** Was the meeting held or not ?

**Mr. C. M. G. Ogilvie :** No, Sir.

**ALLEGED MISBEHAVIOUR OF BRITISH SOLDIERS AT THE JUBBULPORE RAILWAY STATION.**

243. **\*Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

(a) if his attention has been drawn to the fact that on the night following the last Good Friday, a party of British soldiers got to the roof of the Jubbulpore Railway station, created a *golmal*, then got down and tried to start a railway engine, next they visited Raja Gopaldas Dharamsala whence they went to the Electric Power House and attempted scaling the chimney, and that they fled before the police arrived on the scene ; and

(b) if enquiry has been made, and if so, with what results ?

**Mr. C. M. G. Ogilvie :** (a) I have seen the newspaper report which made these allegations. It contains an exaggerated account of the occurrence.

(b) An enquiry has been made and it has been ascertained that the persons concerned boarded a locomotive which was standing in a siding and blew its whistle and that the Railway and Police officials considered the incident trivial.

**Mr. T. S. Avinashilingam Chettiar :** What about climbing the chimney ?

**Mr. C. M. G. Ogilvie :** On enquiry it was found that the statement that they climbed the chimney could not be substantiated.

**Mr. Brojendra Narayan Chaudhury :** Did they make any *golmal* ?

**Mr. C. M. G. Ogilvie :** There was no sort of *golmal* beyond blowing the whistle.

**Mr. Brojendra Narayan Chaudhury :** Did they visit the Dharam-sala ?

**Mr. C. M. G. Ogilvie :** All that they did was to drive past the Dharam-sala on the public road.

**Mr. Brojendra Narayan Chaudhury :** Did they get to the roof ?

**Mr. C. M. G. Ogilvie :** I have been unable to find any substantiation of the account of scaling the chimney ?

#### INCOME-TAX PAID BY TEA COMPANIES.

244. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Finance Member please state :

- (a) the amount of British income-tax paid by Tea Companies, incorporated in England, but having plantations in India, during the last British financial year (failing, previous year available) ;
- (b) if they pay British income-tax on their whole income from tea ;
- (c) the rates at which the British tax is levied on income from tea ;
- (d) the rates at which they would get relief in British taxation if their whole income is taxed in India ;
- (e) the amount of income-tax paid by these companies in India on the non-agricultural portion of their income in the last financial year or, if not available, in the previous year ;
- (f) if 40 per cent. is the non-agricultural portion ; and
- (g) whether Indian income-tax on the whole income would be no additional burden, and would mean only transfer from British Exchequer to Indian Treasury ?

**Mr. A. H. Lloyd :** (a) The information is not available.

(b) Yes in the case of companies controlled from the United Kingdom.

(c) Income-tax at the full rate of five shillings and six pence in the £.

(d) At one-half of the appropriate rate of the United Kingdom income-tax.

(e) The information is being collected and will be laid on the table in due course.

(f) Yes.

(g) Under the Indian Income-tax Act the agricultural portion of the income of tea companies is exempt from tax nor can it be made taxable under the Act since tax on agricultural income is a Provincial subject. The last portion of the question does not, therefore, arise.

ACQUISITION OF CERTAIN VILLAGES IN THE TRIPURA DISTRICT OF BENGAL FOR A MILITARY PURPOSE.

245. **\*Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

- (a) if any survey has recently been made, or is being made, of the villages of Alipore, Kamalapur, Budhair, Gopalsar, Anandpur, Bhallabpur, Dhaniala, Khala, Mastakapur and Dighalgar near Maynamati, the famous centre of handloom industry in the district of Tripura, Bengal, with a view to permanent acquisition for a military purpose ;
- (b) if so, what is that military purpose ; whether it is establishment of a permanent garrison ; whether East Bengal is growing in military importance ;
- (c) if he is aware that mere money compensation for extensive acquisition of villages, such as above, still leaves the displaced population in a nomadic state ;
- (d) if he is aware that it will be impossible for the displaced population of entire villages to resettle in a group and thus keep their social and economic organisation intact, unless the State arranges to settle them in similar surroundings as regards geography, sanitation and markets for their produce ;
- (e) what is the total population that will be displaced ; and
- (f) whether any notice was given before survey of the intended acquisition, or of survey ; if so, in what manner ?

**Mr. C. M. G. Ogilvie :** (a) No. No orders have been issued by the Government of India for the survey of the area in question.

(b) to (f). Do not arise.

**Mr. Brojendra Narayan Chaudhury :** Did any high military officer visit the locality ?

**Mr. C. M. G. Ogilvie :** I think it is quite likely as the locality is frequently used for training purposes.

**Mr. Brojendra Narayan Chaudhury :** Has any survey been made of the value and size of the houses, trees, etc. ?

**Mr. C. M. G. Ogilvie :** Not so far as I know. Not by the orders of Government.

**Mr. Brojendra Narayan Chaudhury :** Has the Honourable Member any information that the survey was made by any other authority ?

**Mr. C. M. G. Ogilvie :** No.

APPOINTMENT OF CLERKS IN THE SECRETARIAT AND THE ATTACHED OFFICES.

†246. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will the Honourable the Home Member be pleased to state if it is a fact that before 1934, the rate of increment and the maximum for the Second Division in the Secretariat was double that of the same division in the Attached Offices, and a combined examination used to be held for these two different scales, but candidates obtaining higher marks were appointed to the higher scale in the Secretariat and those obtaining lower marks were appointed to the lower scale in the Attached Offices ?

(b) If so, will Government be pleased to state whether some candidates who had obtained very high positions in the Second Division Examinations of 1925 and 1926, were appointed in the Attached Offices in a lower scale and many of those who were far lower in rank were appointed in the Secretariat in its higher scale ? If so, why ?

(c) What steps have so far been taken to compensate for the financial loss caused to such candidates ?

(d) Will Government please state whether, with a view to removing the long-standing grievance of these men, an exception to the recommendations of the Maxwell Report regarding the stoppage of further appointments in the Second Division, is proposed to be made in their case, (i) by permanent absorption in the Second Division of those temporarily employed in that Division in the Secretariat, and (ii) by permanent transfer to the Secretariat of those employed permanently in the Attached Offices ?

**The Honourable Mr. R. M. Maxwell :** (a) Before the introduction of the revised rates of pay, the scale of pay of the Second Division in the Secretariat was Rs. 100 to Rs. 300 with annual increments of Rs. 8 and that of the Lower Division in Attached Offices was Rs. 75 to Rs. 155 with annual increments of Rs. 4. As regards examinations, up to 1926 the late Staff Selection Board used to hold examinations for all Divisions in which vacancies were expected and candidates were assigned to each category according to the marks they obtained. Thereafter and up to 1934, one combined examination was held for recruitment to the First and the Second Divisions, and a separate examination for recruitment to the Routine Division.

(b) The system of posting has undergone several changes during the years 1920--1934. In the early years, a certificate to the effect that he had qualified for a particular Division was issued to each candidate, and the Departments and offices were left to select qualified candidates for appointment. Those who qualified were given no guarantee of appointment and candidates were not always posted in the strict

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†Answer to this question laid on the table, the questioner being absent.

order of merit. When the Federal Public Service Commission started their regular competitive examinations in 1926 efforts were made, until the rates of pay in the Secretariat and Attached Offices were equalised, to post candidates at the top of the list to vacancies in the Secretariat and those below them to vacancies in Attached Offices.

(c) Does not arise in view of the reply to part (b).

(d) Presumably the Honourable Member refers to the decisions of Government on the Report of the Wheeler Committee which were announced in the Press Note of 17th November, 1937. The arrangements to give effect to those decisions so far as the ministerial staff are concerned are at present under consideration and it would be premature to say how the final decisions will affect the existing staff in the Government of India offices at headquarters

#### APPOINTMENT OF CLERKS IN THE SECRETARIAT AND THE ATTACHED OFFICES.

†247. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will the Honourable the Home Member please state whether it is a fact that prior to 1934, there existed only one lower scale in the Attached Offices, in which candidates qualified for the Second Division and those qualified for the Third Division were both appointed without distinction, although a higher percentage of marks and a higher educational standard were prescribed for qualification in the Second Division, while a lower educational standard with a lower percentage of marks to be obtained were prescribed for qualification in the Third Division ?

(b) If so, will Government be pleased to state the principle which would govern the seniority for promotion to the First Division in the Attached Offices in the case of two candidates employed in the Lower Division—one having qualified for the Second and the other for the Third Division in an examination held simultaneously for the two different divisions, but the Third Division qualified man having been appointed earlier ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) The promotion is regulated in accordance with the principles and percentages prescribed in rule 18-A. of the Government of India, Ministerial Establishment (Recruitment, Promotion and Seniority) Rules, a copy of which is available in the Library of the House.

#### APPOINTMENT OF CLERKS IN THE SECRETARIAT AND THE ATTACHED OFFICES.

†248. **\*Qazi Muhammad Ahmad Kazmi :** Will the Honourable the Home Member please state whether it is a fact that prior to 1924, some candidates who had obtained high positions in the Second Division Examination for the Secretariat, but were appointed in the Attached Offices, were subsequently declared to have qualified for the First Division in the Attached Offices ?

**The Honourable Mr. R. M. Maxwell :** Ordinarily candidates qualified for the Lower Division in the Secretariat were not considered eligible for nomination to posts of Assistants in Attached Offices. In

†Answer to this question laid on the table, the questioner being absent.

exceptional cases, however, the Public Service Commission declared a few candidates to be qualified for appointment to a Division higher than the one for which the Staff Selection Board had declared them qualified.

**INCLUSION OF CERTAIN VILLAGE LANDS WITHIN THE LAHORE CANTONMENT LIMITS AND REJECTION OF CERTAIN PLANS FOR THE CONSTRUCTION OF HOUSES.**

249. **\*Mr. Badri Dutt Pande :** (a) With reference to his answer to question No. 623 put by Mr. Sham Lal on the 4th March, 1938, in the course of which he said that the construction of houses in the area of the villages recently included within the limits of Lahore Cantonment for certain purposes has not been stopped by the Lahore Cantonment Board, will the Defence Secretary be pleased to state whether it is not a fact that certain plans submitted have been rejected by the Board ?

(b) Is it not a fact that in the course of a letter, dated the 30th September, 1935, the Headquarters, Lahore Brigade area, wrote to the Executive Officer that "Any proposition for building in the area cannot be considered ?"

(c) Is it not also a fact that in the course of another letter, dated the 12th August, 1937, the President, Cantonment Board, wrote to the General Officer Commanding-in-Chief, Northern Command, that there were objections to the erection of buildings in that area ?

(d) If the answer to the above be in the affirmative, why was compensation not paid to village owners, who were deprived of the right to build over their land, before the area was included in the Cantonment limits ?

(e) With reference to the answer to supplementary question by Prof. N. G. Ranga, has any money been spent by the Board on improving the health of the villages ?

**Mr. C. M. G. Ogilvie :** (a)---(e). I am collecting the information and will lay it on the table in due course.

**Mr. Badri Dutt Pande :** What is the objection to erecting buildings in rural area ?

**Mr. C. M. G. Ogilvie :** I really cannot tell until I have received the information I have called for.

**NEPOTISM IN THE AGRA CANTONMENT BOARD.**

250. **\*Mr. Badri Dutt Pande :** With reference to question No. 528, put by Mr. Sham Lal on the 1st March, 1938, will the Defence Secretary be pleased to state what information has been received by Government with regard to the enquiry in the matter of the employment of servants by Agra Cantonment Board who are related to a member, and what action has been taken thereon ?

**Mr. C. M. G. Ogilvie :** I refer the Honourable Member to the statement I laid on the table on the 8th August, 1938, containing the information promised in reply to a supplementary question to starred question No. 528 of the 1st March, 1938.

LEGAL ADVISERS ENGAGED BY THE LANDS AND CANTONMENTS DEPARTMENTS  
IN THE EASTERN, WESTERN AND SOUTHERN COMMANDS.

251. **\*Mr. Badri Dutt Pande :** With reference to part (e) of question No. 626, dated the 4th March, 1938, by Mr. Sham Lal, will the Defence Secretary be pleased to state whether Government Pleaders or persons other than Government Pleaders have been appointed as legal advisers to Deputy Director of Military Lands and Cantonments in the Eastern, Western and Southern Commands, and what amount has been paid to them during the last five years ?

**Mr. C. M. G. Ogilvie :** No legal adviser has ever been appointed to any Deputy Director.

PAYMENT OF INTEREST TO THE HOLDERS OF INDIAN RUPEE SECURITIES IN  
ADEN.

252. **\*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member state whether there is any change with regard to the procedure in regard to the payment of interest to the holders of Indian rupee securities in Aden since the separation of Aden ?

(b) Are Government aware that much difficulty is experienced by the holders in Aden even when they are nationals of India, in the collection of interest on their securities in India ?

(c) Was there any reference to the Finance Department with regard to the position of Indians living in Aden as to their ability to buy Reserve Bank of India's shares, or to continue to hold the shares, which they have purchased in the past ?

(d) Has the separation of Aden from India made any difference to the Indian residents and merchants in Aden in this direction ?

**The Honourable Sir James Grigg :** (a) Interest on Government of India rupee securities is not payable at Aden since the 1st of July, 1937.

(b) No.

(c) Communications between the Reserve Bank and Government are confidential.

(d) The separation of Aden from India has disqualified shareholders resident in Aden from holding the Reserve Bank of India shares under section 4 (3) of the Reserve Bank of India Act.

**Mr. M. Ananthasayanam Ayyangar :** What is the amount of interest that has all along been paid to the holders of securities in Aden ?

**The Honourable Sir James Grigg :** I want notice.

**Mr. Manu Subedar :** May I put it to you, Sir, for your ruling whether communications between the Government of India and the Reserve Bank are confidential as claimed by the Honourable the Finance Member. He said so in a previous answer, but that answer was not read out orally and so I could not raise this point then. The Reserve Bank, I submit, is an independent corporation, entirely independent of

the Government, though there is a certain kind - of contract and a statutory obligation. We claim that on an issue of public interest we are entitled to get this information. Is it open to the Honourable the Finance Member to say that these communications are invariably confidential ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I think I gave a ruling the other day.

**Mr. Manu Subedar** : That was about the communication between the Secretary of State for India and the Provincial Governments.

**Mr. President** (The Honourable Sir Abdur Rahim) : I suppose the Reserve Bank is for certain purposes under the control of the Government of India.

**Mr. S. Satyamurti** : It is an independent statutory body.

**Mr. President** (The Honourable Sir Abdur Rahim) : Have not the Government of India some control over the Reserve Bank ? Any way, if the Government consider that the disclosure of any communication like that is not in the public interest, they are entitled to regard it so. I cannot compel them to disclose any such communication.

**The Honourable Sir James Grigg** : I might throw a little light on this question of confidentiality. Every Director of the Reserve Bank signs a declaration of secrecy on his taking office. If the Reserve Bank Directors are on their part bound to secrecy, then obviously if communications regarding day to day conduct of affairs between the Reserve Bank and the Government of India are to be broadcast, then the position would become impossible.

**Mr. S. Satyamurti** : I want to make one submission to you, Sir. They have walked away with the communications between the Secretary of State for India and Local Governments, and there we are helpless until we are able to amend the Standing Orders and rules. The present question comes under a different category altogether. The Reserve Bank is an independent statutory body in which the public hold shares. The Reserve Bank has got high statutory powers with regard to currency, exchange ratio, and so on and so forth. Now, Sir, you will kindly see part (c) of the question of Mr. Manu Subedar :

“ Was there any reference to the Finance Department with regard to the position of Indians living in Aden as to their ability to buy Reserve Bank of India's shares, or to continue to hold the shares, which they have purchased in the past ” ?

The Honourable the Finance Member said that the Directors of the Reserve Bank are pledged to secrecy, and he added “ if I am to make statements on the day to day transactions of the Reserve Bank, then the position would become impossible ”. I entirely agree with him there. We are not asking information about the day to day administration. We shall never ask such questions. So far as our party is concerned, we shall never put such questions. The present question is different, that is whether Indians in Aden can either purchase or retain the shares in the Reserve Bank which they have already bought. This is a matter of public importance governing Indians living in Aden. If my Honourable friend says that the giving of information in this particular matter will affect prejudicially some public interest, that



is of course a matter on which we are helpless. But the Honourable the Finance Member's claim this morning is that all communications between the Reserve Bank and the Government of India are confidential. I submit the Government cannot walk away with that. At that rate they can claim that a communication between Government of India and the Archaeological Department or even the Department of Education, Health and Lands is a confidential one. At that rate no question can be answered in this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable the Finance Member has pleaded that in the public interest he cannot disclose that information : and in view of that it is impossible for the Chair to rule that they should give information on any particular point which they think is not in the public interest.

**The Honourable Sir James Grigg** : The practice which I have referred to in my answer to clause (c) is, I think the House will be prepared to take from me, the practice which governs the relations between the Bank of England and the Treasury in England. Apart from that, if the Honourable Member will read what I said in reply to clause (d), there can be no shadow of doubt about the legal effect of section 4 (3) of the Reserve Bank of India Act.

**Mr. S. Satyamurti** : Sir, I submit that my Honourable friend did not claim public interest at all. I submit with great diffidence, that it is not the function of the Chair to interpret every time they refuse to answer a question, they do so, because it is against public interest. His original answer was that communications between the Reserve Bank and the Government of India are confidential. I object to that. If with regard to a particular question he says that the answering it is against public interest, the Chair is helpless. But they cannot say, as the Finance Member has now said, that all communications between the Reserve Bank of India and Government are confidential. On that plea, they can refuse to answer any question whatever.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have given my ruling already.

**Mr. Manu Subedar** : I will ask an ordinary supplementary question. Will the Finance Member take the plight of the actual holders of Reserve Bank shares into consideration and make some provision to save them from this disability now ?

**The Honourable Sir James Grigg** : It cannot be done without legislation in the first place, and in the second place there were at the time of separation only 25 shareholders all told ; and they were certainly given time in which to dispose of their shares.

**Mr. Manu Subedar** : May I request the Finance Member to consider whether something cannot be done with regard to the facility to Aden Indians to receive the interest on Government securities which they are holding, as on the previous occasions ?

**The Honourable Sir James Grigg** : I have replied to that in part (a).

**Mr. Manu Subedar :** It is by administrative notification that the change has been made. I am asking whether the Honourable Member will consider the advisability of changing that notification.

**The Honourable Sir James Grigg :** I will look into that question and I am quite certain that the conclusion I shall come to is the ordinary legal maxim of *de minimis*.

**Mr. Ananthasayanam Ayyangar :** May I know what the practice is regarding payment of interest to holders of rupee securities in England ?

**The Honourable Sir James Grigg :** I cannot say without notice. Some of the rupee loans in the past have been made specifically payable in London, but I do not believe that is applicable to all loans.

#### ASSISTANCE BY THE RESERVE BANK TO SCHEDULED BANKS.

253. **\*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state whether the attention of Government has been drawn to the memorandum of the South Indian banks submitted to the Reserve Bank of India on the question of assistance by the Reserve Bank to scheduled banks in the event of a run on them ?

(b) What are the amendments to the Reserve Bank of India Act suggested in this memorandum ?

(c) Do Government propose to bring in an amending Bill in order to give effect to these amendments ?

(d) Has the Finance Department been in correspondence with the Reserve Bank of India over this subject and, if so, will the correspondence be placed on the table ?

**The Honourable Sir James Grigg :** (a) to (d). Communications between the Reserve Bank and Government are confidential.

**Mr. Manu Subedar :** Sir, my question was whether the attention of Government has been drawn to the memorandum.

**The Honourable Sir James Grigg :** I have seen in the press that the South Indian banks had an interview with the Governor of the Reserve Bank.

**Mr. S. Satyamurti :** What is the answer to clause (c) ?

**The Honourable Sir James Grigg :** As the Honourable Member knows, I am in some difficulty in answering questions of this sort because they relate to a case which is at present *sub-judice* in the courts, and therefore it is extremely difficult to say anything at all on the question without getting into trouble on that account. But I have not the slightest doubt that whenever that particular affair is over the Reserve Bank will consider whether any action on their part is called for, and will take it if they think it necessary.

**Mr. S. Satyamurti :** I am asking about Government's intention, with regard to amending the Reserve Bank Act.

**The Honourable Sir James Grigg :** The initiative is with the Reserve Bank in this matter. I am not certainly going to rush in an amendment of my own without any mature consideration on the part of the Reserve Bank.

**Mr. M. Ananthasayanam Ayyangar :** Does the Honourable Member suggest that there is a case against the Reserve Bank ?

**The Honourable Sir James Grigg :** No, Sir. I suggested that all these questions arise out of the failure of a bank the name of which is well-known to Members of this House, and that proceedings are still pending before the courts in respect of that bank.

**Mr. M. Ananthasayanam Ayyangar :** Sir, on a point of order, how can the Honourable Member say that in respect of a matter which does not arise between the Reserve Bank and the Travancore National Bank ? The Travancore National Bank is under liquidation on its own merits, i.e., whether a liquidator ought to be appointed, the distribution of assets, the payment of liabilities, etc. Incidentally a question has been put as to whether the Reserve Bank was asked for some aid and the Reserve Bank refused that aid. That is not a matter which is *sub-judice*.

**The Honourable Sir James Grigg :** I have never said that there is a case pending between the Reserve Bank and the Travancore and Quilon Bank. And the questions which the Honourable Member from Bombay has put have been brought to his notice and to the public notice generally as a result of the failure of that bank. I said that I therefore was in some difficulty in answering questions of this sort until that particular affair had been cleared up.

**Mr. Manu Subedar :** The question which I have put arises out of the temporary difficulties which other banks in South India felt, which difficulties were put right by the Reserve Bank Managing Director coming in there and reassuring the public. But I understand that the Reserve Bank finds some difficulty in giving loans in a particular form on particular kinds of commodities not in their own possession, and that there is a little technical point affecting one section of the Reserve Bank Act. And I understand that this particular memorandum refers to that and makes a specific request to Government to consider a change in the Reserve Bank Act.

**Mr. President** (The Honourable Sir Abdur Rahim) : Memorandum by whom ?

**Mr. Manu Subedar :** By the South Indian banks ; it has nothing to do with the Travancore Bank. I submit, Sir, that the Finance Member ought to be in a position to give that information.

**Mr. President** (The Honourable Sir Abdur Rahim) : I thought he said that unless the Reserve Bank considered the matter and made a recommendation, the Government of India would not move in the matter.

**Mr. Manu Subedar :** He said that communications with the Reserve Bank are confidential.

**Mr. S. Satyamurti :** Then it comes to this that the initiative with regard to amending the Reserve Bank Act has passed out of the hands of the Government of India into the hands of the Reserve Bank !

**The Honourable Sir James Grigg :** In matters of detail such as regulating credit and that sort of thing, certainly the primary initiative is with the Reserve Bank. That was the purpose of the passing of the Reserve Bank Act.

**Mr. Manu Subedar :** Can the Honourable Member give an assurance to this House that he will look into this matter ?

**The Honourable Sir James Grigg :** I have answered that question. I have said that until the Reserve Bank have themselves considered the lessons, if I may so put it, of this recent failure and the scare caused by or following in the wake of this failure, it is not for Government to take any action.

**Mr. K. Santhanam :** May I know if Government have any responsibility to see how the Reserve Bank Act is working and how the Reserve Bank is functioning ?

**The Honourable Sir James Grigg :** The answer is that the initiative in all these matters has now been placed on the Reserve Bank.

**Mr. M. Ananthasayanam Ayyangar :** Apart from amending the Act, is it not a fact that the scheduled banks have written to the Government of India in the Finance Department that by a wrong construction of section 17, the Reserve Bank is refusing aid to these banks and that those banks are also likely to run the same risk which the Travancore Bank is running ?

**The Honourable Sir James Grigg :** That is an entirely different question. If the Honourable Member wishes for an answer, he can put it down.

**Mr. M. Ananthasayanam Ayyangar :** I understand that it is already covered by the answer that he has given.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has said that notice should be given.

#### ORDER FOR BUILDING ESCORT SHIPS.

254. **\*Mr. Manu Subedar :** Will the Defence Secretary state :

- (a) whether it is true that an order for building three new escort ships has been placed on behalf of India ; if so, with which firm the order is placed, and at what price, and who has placed this order ;
- (b) if the order has not been actually placed, what is intended to be done and when ;
- (c) in which year's budget under the item of Defence expenditure will these amounts be debited, or whether there is a fund set aside, or intended to be set aside for this purpose ;
- (d) when the ships are expected to be ready ; and

(e) when steps will be taken to fill up the personnel and what steps are being taken to train Indians for this purpose ?

**Mr. C. M. G. Ogilvie :** (a) No.

(b) It is intended to place orders for the replacement of obsolete vessels and the addition of one extra ship when a final decision as to type has been arrived at and as funds become available.

(c) It is proposed to finance the replacement programme from the Royal Indian Navy Suspense Account, to which fund the amount of the naval contribution remitted by His Majesty's Government will be credited annually.

(d) Some 18 months after the order has been placed.

(e) Until the type of the ship to be ordered has been decided upon it is impossible to say whether any additional personnel will be required or not.

**Mr. Manu Subedar :** May I inquire whether an estimate has been made of the total cost which this country will have to incur when all the replacement and the addition of one vessel have taken place ?

**Mr. C. M. G. Ogilvie :** The details of the programme are not yet sufficiently fully advanced for any final estimate to be prepared.

**Mr. Manu Subedar :** Can the Honourable the Defence Secretary give this House a general idea of the order of sums involved—as to whether it will be a crore or five crores or ten crores ?

**Mr. C. M. G. Ogilvie :** All I can say is that at present it is hoped to cover the expenditure from the sources I have indicated.

**Mr. Manu Subedar :** That source is only £1,00,000 ?

**Mr. C. M. G. Ogilvie :** No : it also contains the amount annually credited or which normally is annually credited by the Government of India to the suspense account—Rs. 14 lakhs.

**Mr. Manu Subedar :** May I inquire whether the Honourable the Defence Secretary will make an estimate and give it to us before the end of this session ?

**Mr. C. M. G. Ogilvie :** I cannot give you anything more reliable than that we do hope at present to be able to finance the programme from the sums I have indicated.

**Mr. Manu Subedar :** Is it suggested that when India undertook this liability no estimate of any kind was made by the Defence Department and that it is a pig in the poke and that we do not know whether we are liable for 5 or 10 crores ? May I request the Defence Secretary again to give us a general estimate ?

**Mr. C. M. G. Ogilvie :** I have already given the Honourable Member not only a general estimate but a fairly close one : that is, it is contained in my answer to (c). The annual income we receive from the contribution is 14 lakhs—roughly £1,00,000 ; and another 14 lakhs is paid normally by the Government of India into the suspense

account. The answer to the question is that our suspense account from which we have always to effect replacements has in fact been doubled : that is all.

**Mr. Manu Subedar :** Do we take it then that as the funds become available in the suspense account mentioned by the Honourable Member, progress would be had and no faster ?

**Mr. C. M. G. Ogilvie :** That is precisely what I have said : as funds become available orders will be placed.

**Mr. K. Santhanam :** May I know if the remission of £1,00,000 was not in view of the increased maintenance charges of the six escort vessels and not for buying new vessels ?

**Mr. C. M. G. Ogilvie :** We cannot yet say whether the new escort vessels will cost any more to maintain than the old ones.

**Mr. K. Santhanam :** Am I to understand that it would not cost more to maintain a larger number of escort vessels than you have now ?

**Mr. C. M. G. Ogilvie :** You are maintaining five : ultimately you have to maintain six : but supposing that the crews of the new types we ultimately select are not so large as the crews we employ at present, you will get a counterbalancing saving : it is these details that I cannot tell you.

**Mr. K. Santhanam :** Are we to understand that the maintenance of six escort vessels will not be more than the cost of maintaining five ?

**Mr. C. M. G. Ogilvie :** I cannot tell you : it is quite impossible to say.

#### INDIA'S NAVAL DEFENCE.

255. **\*Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) whether the Government of India have now agreed with His Majesty's Government in respect of the matter mentioned by the Finance Member in his last speech, namely the Government of India in conjunction with the Admiralty have recently had under examination the question of India's naval defence ;
- (b) whether the Government of India have agreed to maintain a sea-going fleet of not less than six modern escort vessels which will be free to co-operate with the Royal Navy for the defence of India and in addition fulfil their responsibilities for the local naval defence of Indian ports ;
- (c) what the cost of this agreement to the Indian exchequer will be ;
- (d) of which type the vessel is going to be ;
- (e) the composition of the crew of these vessels, Indian and non-Indian ; and
- (f) how many of them will be Indians to begin with and when the crew will be completely Indianised ?

**Mr. C. M. G. Ogilvie :** (a) If the Honourable Member will refer again to the speech of the Honourable the Finance Member, he will observe that it is stated therein that the agreement about which he enquires had already been concluded at the time of that speech.

(b) Yes.

(c) The eventual cost will depend upon a variety of factors which are as yet unsettled. No estimate can, therefore, be given at this stage.

(d) This has not yet been decided.

(e) and (f). The vessels will be manned entirely by Indian ratings. Warrant officers will be one British : one Indian ; and the proportion of commissioned officers will be two British : one Indian.

**Mr. S. Satyamurti :** With reference to the answer to clause (f), may I know if the Government have any programme of completely Indianising the crew and officers of these vessels, and if so when do they expect to do it ?

**Mr. C. M. G. Ogilvie :** The present policy has been laid down ; and the Honourable Member is aware of what that is ; and at the moment it has not been changed.

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question, may I ask the Honourable the Defence Secretary and also the Honourable the Finance Member, if he will permit me, whether the Government of India included this provision as part of an agreement already concluded, in their budget, without knowing the exact commitments to the Indian exchequer on account of the new arrangements ?

**Mr. C. M. G. Ogilvie :** It seemed, and indeed is, obviously an extraordinarily good bargain.

**Mr. S. Satyamurti :** May I know if that answer covers not only the new charges for building extra ships, but also the maintenance charges ?

**Mr. C. M. G. Ogilvie :** As I have already answered to the previous question, we cannot say what the maintenance charges will be, whether they will be an increase or decrease or the same.

**Mr. S. Satyamurti :** May I know how the Government of India came to the conclusion that on the whole it is financially a sound bargain to the Indian taxpayer ?

**Mr. C. M. G. Ogilvie :** I should have thought that the Honourable Member would have no difficulty in seeing that if you have a fleet of five ships which gradually got out of date you have to replace them. We had made such provision as we could for replacing them. We are now asked to have only one more and to accept double the amount that we can afford to replace the ships with. A ship will cost perhaps 25 lakhs, perhaps 45 lakhs : but a gift of 14 lakhs a year is obviously good business.

**Mr. Manu Subedar :** May I inquire of the Honourable the Defence Secretary that the total of 2½ crores indicated by him for all the six vessels when they are finally ready, whether that is proposed to be spread over a period of 10 years ?

**Mr. C. M. G. Ogilvie :** As far as our arrangements have gone at present, nine years is the period that seems probable.

**Mr. K. Santhanam :** With reference to the answer to part (e) may I know whether the Government have no intention in the near future to revise their proportion of two to one of British to Indian officers in the Royal Indian Navy ?

**Mr. C. M. G. Ogilvie :** I have already answered that, but for the information of the Honourable Member I may call his attention to the fact that this year, a few months ago, three commissions in the Royal Indian Navy were offered by open competition and that it was possible to fill only two.

#### HARASSMENT TO INDIAN PASSENGERS BY THE STAFF OF THE CUSTOMS DEPARTMENT IN BOMBAY.

256. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether he is aware that Indian passengers are harassed and subjected to undue delays and unnecessary examination and to a great deal of insolence by the staff of the Customs Department in Bombay ;
- (b) whether Europeans are differently treated and are treated with a dispatch and a courtesy due to every passenger ;
- (c) if so, the reasons for this racial discrimination ;
- (d) whether it is a fact that one Mr. Naithani, an Indian business magnate, was recently unnecessarily detained in Bombay for three days at considerable inconvenience and expenses ;
- (e) whether Government propose to take steps to see that these complaints are enquired into and necessary action taken to prevent the recurrence of these incidents, and to stop harassment of Indian passengers ?

**Mr. A. H. Lloyd :** (a) No.

(b) Europeans are not differently treated.

(c) Does not arise.

(d) Mr. Naithani was not detained by the Customs, though there was delay in passing a part of his baggage. This was due partly to his failure to make a proper declaration in the prescribed form and partly to the large number of packages brought by him. It was not necessary for Mr. Naithani to remain in Bombay. He could have entrusted the work of clearing the goods to his agents.

(e) Government do not see any reason for the enquiry and action suggested.

**Mr. S. Satyamurti :** With reference to the answer to clauses (a), (b) and (c) of the question, may I know if the answer is based on the general assumption of Government that there can be no racial irregularity, or whether it is based on any information obtained since my question was sent to the Honourable Member ?



**Mr. A. H. Lloyd :** It is based partly upon my own personal observation in several ports and partly upon information obtained since the notice of the question was given.

**Mr. M. Ananthasayanam Ayyangar :** Is it a fact that when a European lands his word is accepted so far as the articles are concerned, whereas when an Indian lands every investigation is made into every article and his words are not accepted at all ?

**Mr. A. H. Lloyd :** That is not a fact.

**Seth Govind Das :** Is it a fact that in the case of some Europeans their word is taken for granted and their goods are not checked and they are allowed to go without their goods being checked ?

**Mr. A. H. Lloyd :** If the Honourable Member's question is meant to infer that there is discrimination, my answer is what I have already given, that there is no racial discrimination.

**Seth Govind Das :** Are the goods of every European checked when they come in ?

**Mr. A. H. Lloyd :** No.

(b) WRITTEN ANSWERS.

RECEIPTS FROM INCOME-TAX.

257. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) the receipts from income-tax during the last financial year ;
- (b) the receipts from income-tax so far during this financial year ;  
and
- (c) the expectations of Government in respect of income-tax this financial year ?

**The Honourable Sir James Grigg :** (a) The audited figures are not yet available.

(b) About rupees one crore and forty lakhs for the first three months of the year.

(c) The Budget estimate is fifteen crores and twenty-five lakhs. It is too early to say to what extent, if any, this will be exceeded.

REPRESENTATION FROM CERTAIN UNIVERSITIES URGING CHANGES IN THE METHOD OF RECRUITMENT TO THE INDIAN CIVIL SERVICE.

258. **\*Mr. S. Satyamurti :** Will the Honourable the Home Member please state :

- (a) whether sometime ago the Universities of Calcutta and Bombay made a representation to the Government of India urging changes in the method of recruitment to the Indian Civil Service, suggesting that the system of nomination should be

abolished and that the regulation requiring Indian candidates appearing at the competitive examination in London to hold an Honours degree of any British University, should be abolished ;

(b) the reasons why Government declined to reopen this question ; and

(c) whether Government have considered the handicap to Indian candidates if they are required to hold an Honours degree of British Universities ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) and (c). Recruitment to the Indian Civil Service is a matter entirely under the control of the Secretary of State for India who is not prepared to re-open the question of recruitment now as the changes were made after very careful consideration. Reasons for the decision were fully explained in a Press Communiqué published in April, 1936.

#### **APPOINTMENT OF SIR ROBERT BELL AS CHAIRMAN OF THE BOMBAY FIRE INSURANCE ASSOCIATION.**

259. **\*Mr. S. Satyamurti :** Will the Honourable the Home Member please state :

(a) whether the Indian Merchants Chamber, Bombay, has telegraphed to the Government of India, Home Department, urging the Government not to accord permission to Sir Robert Bell, a retired civilian of Bombay, to take up appointment as paid Chairman of the Bombay Fire Insurance Association ;

(b) whether Government propose to take any steps in regard to the non-employment of retired civilians or other Government servants in this country in respect, at least, of certain occupations ;

(c) if so, what they are ; and

(d) if not, why not ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b), (c) and (d). The matter is under consideration in consultation with Provincial Governments.

#### **RESIGNATION OF CERTAIN MEMBERS FROM THE MEMBERSHIP OF THE LANSDOWNE CANTONMENT BOARD.**

260. **\*Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state if Government are aware of the fact that all the four elected members of the Lansdowne Cantonment Board have tendered their resignation from the membership of the Board ?

(b) Have the members concerned given any reasons for their resignation ?

(c) Have Government made any enquiry into the allegations made by the members concerned ?

(d) What action do Government propose to take in the matter ?

**Mr. C. M. G. Ogilvie :** (a) and (b). Yes.

(c) No, as a full report on the matter was forwarded at the time.

(d) Casual elections will be held for filling the vacancies.

#### PURCHASE OF ESCORT SHIPS FOR THE ROYAL INDIAN NAVY.

261. **\*Mr. K. Santhanam :** Will the Defence Secretary be pleased to state :

(a) whether it has been decided to buy four new escort ships for the Royal Indian Navy ;

(b) whether they will be in substitution of the existing ships, or additions thereto ;

(c) which are the ships to be substituted, their age and their original cost ;

(d) what the tonnage and cost of the new ships will be ; and

(e) with whom the orders will be placed ?

**Mr. C. M. G. Ogilvie :** (a) and (b). Under the terms of the agreement referred to in the Honourable the Finance Member's budget speech, India is required to maintain a seagoing squadron of at least six modern escort vessels. Two of our present five—"Indus" and "Hindustan"—fall within this category. In order, therefore, to implement the agreement, it will be necessary to purchase four escort vessels in substitution of existing vessels and only one will be additional.

(c) "Cornwallis", "Lawrence" and "Clive", the respective ages of which are 21 years, 19 years and 18 years.

The "Lawrence" and the "Clive" cost (including armament) approximately 28 and 29 lakhs each respectively. The "Cornwallis" was not built for the Government of India and I have no information as to the cost of her construction. His Majesty's Government sold her to India on the conclusion of the War for the small sum of £5,000.

(d) and (e). No decision has yet been taken as to the type of vessel.

#### POSITION IN REGARD TO INDIANS IN ADEN IN RESPECT OF CIVIL SUITS.

262. **\*Mr. Manu Subedar :** (a) Will the Honourable the Home Member state the position with regard to Indians in Aden in respect of civil suits (i) in Aden and (ii) in India ?

(b) Is there reciprocal action with regard to court decrees, *i.e.*, will a decree of the Bombay High Court or the Small Causes Court in Bombay, be dealt with by the Court in Aden and *vice versa* ?

(c) Are Government prepared to enquire whether Indians living in Aden have experienced any difficulty on this score and whether something requires to be done consequential to the separation of Aden in order to secure normal facilities to Indian merchants in Aden in respect of law suits ?

**The Honourable Mr. R. M. Maxwell :** (a) and (b). The Honourable Member presumably refers to the question of the enforcement in British India of decrees passed in Aden, and *vice versa*. The position in this respect is that there is at present no arrangement between British India and Aden for the reciprocal enforcement of decrees. Provision has, however, been made in the Code of Civil Procedure (Amendment) Act, 1937 (VIII of 1937) for such reciprocity, and the question of declaring Aden a reciprocating territory is under consideration. The Government of Aden also have under consideration the question of declaring British India a reciprocating territory under section 41 of their Civil Courts Ordinance, 1937.

(c) In view of what is stated above, Government do not consider it necessary to make an enquiry.

FACILITIES TO MAULANA OBEDULLAH SINDHI TO RETURN TO INDIA.

263. **\*Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether it is a fact that Maulana Obedullah Sindhi, exiled in Mecca, appealed to Government for facilities to return to India ;
- (b) whether Government conceded to his request ; and
- (c) what action he took in the matter ?

**The Honourable R. M. Maxwell :** (a) Yes.

(b) and (c). Government have decided that they will raise no objection to his return to India, and have taken steps to inform him of this decision.

WORKING HOURS OF CLERKS EMPLOYED UNDER THE GARRISON ENGINEER, BANNU.

264. **\*Mr. Abdul Qaiyum :** Will the Defence Secretary please state :

- (a) whether the Garrison Engineer, Bannu, North-West Frontier Province, has issued on the 18th June, 1938, an order to clerks under him to work for 39 hours every week ;
- (b) whether clerks in similar offices in other places have to put in 34 hours work a week ;
- (c) whether the order of the Garrison Engineer, Bannu, is against the standing order of the Engineer-in-Chief, Army Headquarters, Simla ; and
- (d) whether Government propose to have this order rescinded in the interests of uniformity ?

**Mr. C. M. G. Ogilvie :** (a) Yes ; but the Garrison Engineer, Bannu, subsequently and with effect from 25th July ordered a reduction in the hours of work to 36 hours per week.

Hours of work for the Military Engineer Services, longer than the normal hours of work, have been necessitated by the recent abnormal conditions in Waziristan and particularly in the Bannu Area.

(b) Yes.

(c) Yes ; but the Engineer-in-Chief does not intend his Standing Order on hours of office attendance to apply to abnormal conditions.

(d) No.

#### ORDERS *re* NON-RETENTION OF INCOME-TAX CLERKS AND INSPECTORS IN THEIR HOME DISTRICTS.

265. **\*Mr. Abdul Qaiyum :** Will the Honourable the Home Member please state :

- (a) whether eight-nine months ago the Commissioner of Income-tax, North-West Frontier Province, Punjab and Delhi, passed an order that Assistant Clerks, Head Clerks and Inspectors in the Income-tax Department should not be kept in their home districts ;
- (b) whether, before this order, they could serve in their home districts ; and
- (c) whether Government are prepared to withdraw this order ; if not, why not ?

**Mr. A. H. Lloyd :** (a), (b) and (c). The information is being obtained and will be laid on the table in due course.

#### UNSTARRED QUESTION AND ANSWER.

##### UNDIVIDED HINDU FAMILIES ASSESSED TO INCOME-TAX.

9. **Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Finance Member please state :

- (a) the number of undivided Hindu families assessed in 1937-38 (or previous year if 1937-38 figures not available) to income-tax on an income of :
  - (i) Rs. 2,000 and up to Rs. 3,000,,
  - (ii) above Rs. 3,000 to Rs. 4,000,
  - (iii) above Rs. 4,000 to Rs. 5,000,
  - (iv) above Rs. 5,000 to Rs. 6,000,

and the average number of assessees per family in each group ;

(b) of the above, how many are urban and how many rural families (the limit of urban being a town with a population of thirty thousand and more) ; and

(c) the total number of assessment in the year ?

**The Honourable Sir James Grigg :** (a) A statement is laid on the table. As regards the second part of the question the information is not available from the assessment records.

(b) The answer can only be obtained from a study of all assessment proceedings and this would involve an expenditure of time and labour which would be entirely incommensurate with the value of the results secured.

(c) The total number of assessments on Hindu undivided families in 1936-37 was 57,726. The total number of assessments on all assessees was 3,73,376.

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*Statement showing the number of Hindu Undivided Families assessed to Income-tax in 1936-37 in the following grades.*

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* Grades.							Number of Hindu Undivided Families.
Rs. 2,000 to 2,999	..	..	..	..	..	..	21,031
„ 3,000 to 3,499	..	..	..	..	..	..	5,355
„ 3,500 to 4,999	..	..	..	..	..	..	9,152
„ 5,000 to 7,499	..	..	..	..	..	..	6,206

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\*These grades slightly differ from those specified in the question but statistics are not maintained according to the grades in which the information is required.

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### STATEMENT LAID ON THE TABLE.

*Information promised in reply to parts (a) to (c) of starred question No. 572 asked by Mr. Manu Subedar and to a supplementary question thereon asked by Maulana Zafar Ali Khan on the 2nd March, 1938.*

### REFRESHMENT ROOMS AND RESTAURANT CARS ON STATE RAILWAYS.

(a) No subsidy is being given. On the North Western Railway, however, eight cleaners engaged by the contractors to work in dining cars are paid by the Railway Administration at the rate of Rs. 15 per mensem each. A sum of Rs. 25 per mensem is also paid to the contractors for each car, for the supply and maintenance of utensils and table equipment.

(b) and (c). The following statement gives the particulars required :—

Railway.	Number of Restaurant cars.	Capital cost.	Annual cost of maintenance and repairs.
		Rs.	Rs.
A. B. .. .. .	2	42,099	1,324
B. N. .. .. .	15	7,44,569	39,442
B., B. & C. I. .. .. .	24	9,58,095	41,123
E. B. .. .. .	5	2,12,000	13,000
E. I. .. .. .	24	10,53,415	29,760
G. I. P. .. .. .	29	17,37,616	21,000
M. & S. M. .. .. .	14	3,96,700	16,080
N. W. .. .. .	25	11,66,898	13,459
R. & K. .. .. .	1	20,896	650
S. I. .. .. .	10	2,70,963	5,132

*Maulana Zafar Ali Khan's supplementary question.*

Indian dining cars, which were previously running on Nos. 7 Up and 8 Down Karachi Mails, were from the 1st October, 1937, run on 19 Up and 20 Down (Sind Express). It was found, however, that the cars were not being patronised to the same extent as when they were running on 7 Up and 8 Down Mails, and as the majority of members of the two Advisory Committees on the North Western Railway were of the opinion that the cars would be of more use to the public on the mails than on the expresses, they were put back on to the mails from the 1st April, 1938.

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will  
12 Noon. now resume consideration of the motion :

“ That the Bill to amend the criminal law be taken into consideration.”

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : Sir, when the House adjourned yesterday, I was referring to the fact that the British Empire has done no good either to Hindus or to Muslims ; on the contrary, it has done more harm both to Hindus and to Muhammadans. In the course of yesterday's debate, an appeal was made by a Nominated Official Member to the Muslim League to support this Bill for reasons which, I think, did not weigh with most of us. Sir, if we take into consideration what the British Empire has done for the Islamic countries during the last thirty years, one cannot but come to the conclusion that if there is any institution which is more responsible than any other for the destruction of the Islamic power in

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the world, it is the British Empire. Sir, in the last world war, it was the British Empire which was responsible for the destruction of Turkish suzerainty on either side of the Straits. In the course of the last 25 years, you take any Islamic country from the Mosque of St. Sophia to the Jumma Mosque at Delhi, and you will come to the conclusion that the power of Islam has been destroyed by the British Empire. I want to know whether Maulana Shaukat Ali, who said the other day that he was not willing to contribute a single coin to Hore-Belisha the Jew so that he may be able to persecute the Arabs in Palestine more vigorously, will take up the same attitude and vote for the circulation of the Bill today. It may be pointed out that the Indian troops are not being used today in Palestine for the suppression of Arab freedom, but the constitutional position is this that the Indian troops can be despatched outside the Indian frontiers after a nominal consultation with Indian public opinion. It was done in a case very recently ; just a year ago some Indian troops were sent to China. It may be done again. Sir, the problem in Palestine is not an isolated one. It is a problem which is bound up with the Imperialistic ambitions of Great Britain. I want to know whether it is the considered opinion of the Muslim masses that by supporting this Bill they are going to prevent the Imperialistic designs of Britain in Palestine or elsewhere. The British Empire may be good for those who have something to gain materially from them, but for the Indian masses during the course of the last 150 years the British Empire has meant poverty, destitution, illiteracy, down-troddenness and nothing else. If the British Empire comes to an end tomorrow, the only catastrophe will be for those who hold titles or draw pensions, but for the masses it will mean an immense relief, it will mean the removal of the dead-weight which has been on the throat of India for the last 150 years. But I do not want to pursue this point further. Sir, it is our right, as has been clearly made out by some of the speakers who have preceded me, it is the right of every citizen to protest against war or even to preach that nobody should offer himself as a recruit if that war is not in the best interests of the country. That is a right of every citizen, and this Bill, in my humble opinion, goes to curtail the civil liberty of the people. Sir, at this stage, with your permission, I shall read a passage from 'Liberty in the Modern State' by Mr. H. J. Laski. This is what he writes :

" But let us rather take the position of a citizen whose country is involved in war as, say, England in 1914, or America in 1917. What are his rights and duties then ? I would begin by making the point that the fact of belligerency does not suspend his citizenship ; he owes as much, perhaps more than ever, the contribution his instructed judgment can make, to the public good. The scale of operations cannot, I think, make any difference to that duty. It is as real, and as compelling, when they are big, as in the war of 1914, as when, as in the Boer war, or the Spanish-American War, they are relatively small. If I think the war a just one, it is my duty to support it, and if I think it unjust there is no alternative open to me except opposition to it. I believe, for instance, that the opposition of Mr. Ramsay Macdonald and Mr. Snowden to the war of 1914 was a fulfilment, on their part, of the highest civil obligation. No citizen can assume that his duty in war time is so to abdicate the exercise of his judgment that the executive has a blank cheque to act as it pleases. No government, therefore, is entitled to penalise opinion at a time when it is more than ever urgent to perform the task of citizenship. If a man sincerely thinks, like James Russell Lowell, that war is merely an alias for murder, it is his duty to say so even if his pronouncement is inconvenient to the government of the day."



Therefore, our considered opinion is that any war in which the British Empire may be involved in would be an unjust war, not undertaken for the defence of Indian frontiers, and, therefore, it will be our right, our fundamental right of citizenship, to persuade people not to join the army. Sir, it was pointed out in the course of the discussion yesterday that war would bring in some profit to the peasantry. I want to know what was the experience gained after the last world war was over. Was it prosperity which dawned on other European nations after the war was over or was it bitterness? Was it not disillusionment, was it not destruction? Everything except prosperity was the lot of European countries. The rich heritage which had been gathered for ages and centuries was destroyed in a few months, and with the development of science, this destruction will be more quick and wider in scope if another war comes on. Why should we, as I said in the beginning of my observations, be entrapped in a war when we know that it is intended for the maintenance of the British Empire? That is with respect to the first point.

Now, I will take up the other aspect of the question. If the intention of the Bill was to secure the normal recruitment to the present army, then I think, Sir, nothing has happened in the course of the last 18 months to show that recruitment has been affected in the least. Sir, I have taken pains to collect some statistics from Government publications known as 'Returns showing the Actual Strength of the Army, Navy and the Royal Air Force in India'. I have compiled figures from the 1st July, 1936, right up to the last publication available, the last and latest, the 1st April, 1938. I have got figures for the army, the Reserves and the Indian States troops. I do not want to give all the statistics to the House but I want to say that in the course of these eighteen months nothing has happened to justify the bringing in of such a Bill as this. The normal recruitment has not been affected in the least. If you compare the sanctioned establishment with the actual strength, if anything, the position has slightly improved in the month of April, 1938. That holds good in all the three categories, the army, the Reserve and the Indian States troops. In the Bill it has been stated that it is to be made applicable immediately to the Punjab. I was, therefore, more anxious to know what was the position with respect to the various regiments in the Punjab. I have got these figures, and so far as the Punjab is concerned I crave your indulgence to give me time to read the whole of it. In the 1st Punjab Regiment the sanctioned strength is 3,445. On the 1st July, 1936, the actual strength was 3,460. On the 1st October, 1937, it was 3,432, on the 1st January, 1938, 3,384, and on the 1st April, 1938, 3,384. The Second Punjab Regiment : the sanctioned strength was 3,436 ; the actual strength was 3,439 on the 1st July, 1936, 3,389 on the 1st October, 1937, 3,438 on 1st January, 1938, and 3,489 on 1st April, 1938. The Eighth Punjab Regiment : the sanctioned strength was 3,436 and the actual strength on 1st July, 1936, was 3,410. On the 1st October, 1937, it was 4,312, on the 1st January, 1938, 4,248, and on the 1st April, 1938, 4,126. The Ninth Punjab Regiment : the sanctioned strength was 2,889, and the actual strength was 2,888 on the 1st July, 1936, 2,848, on the 1st October, 1937, 2,836 on the 1st January, 1938, and 2,919 on the 1st April, 1938. The 11th Punjab Regiment : the sanctioned strength was 4,295. The actual strength was 4,299 on the 1st July, 1936, 4,319 on the 1st October, 1937, 4,224 on the 1st January, 1938, and 4,189 on the 1st April, 1938. The

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14th, 15th and 16th Punjab Regiments : I do not want to go into all the figures but I have summarised the result and it is this. In the Punjab Regiments in July, 1936, the actual strength was more than the sanctioned strength by about 15. On the 1st October, 1937, it was by about ten, on the 1st January, 1938, by about 50 and in April, 1938, the difference between the sanctioned and the actual strengths is only 28. Incidentally, I may say here that the army as it is recruited at present is recruited from three main sources, firstly the Punjabi, secondly, the Gurkha, and thirdly, the Mahratta. So far as the Gurkhas are concerned, in 1936 the Gurkha actual strength was less by 150 than the sanctioned strength. In October, 1937, it was less by 400 than the sanctioned strength. In January, 1938, it was more by 288 and in April, 1938, again more by about 50. As regards the third category, namely, the Mahrattas, in July, 1936, it was more than the sanctioned strength by about 30, the same figure in October, 1937, in January it was less by about 35 and in April last it was less by about 80. I, therefore, fail to see if the normal recruitment to the army even in the Punjab is not affected in the least as will be seen from the figures that I have quoted,—I fail to see what is the object in bringing forward this Bill. Sir, it may be pointed out that in future when a war comes the recruitment may not be as desired by the Army Department. With regard to this point, as I have already said in my speech of yesterday, if the war is just and is waged for the maintenance of India's freedom and India's frontiers, you will not find that men will be lacking either in patriotism or in doing their duty under their own national flag. What has been your experience in the years 1914 to 1918 ? You will find from your own publications that even the so-called non-martial classes responded splendidly during the war time. You could then raise not merely a large army of regulars but you could raise about two lakhs by way of volunteers. And I have not the slightest doubt that when India is forced to fight such a war, not for the benefit of the British Empire, not for the furtherance of the imperial schemes and objects of the British Empire, but exclusively for the sake of the maintenance of India's independence, I think from the thirty-five crores here you will have an army raised—I do not exaggerate when I say in the shortest possible time, an army well equipped and which will not only defend India's frontiers but defend other countries similarly situated. Therefore, taking the present state of recruitment and taking into consideration what is likely to happen in case of such a war, I think this Bill is entirely unnecessary. But I feel that the object of this Bill is something more than what appears on the paper. I am told on very good authority that the Draftsman of the Government of India has been appointed additional Defence Secretary only yesterday. It only means, it lends colour to the suspicion that there may be other legislations more detailed in order to further carry out the objects that are now only thrown as feelers in this Bill. What the British Government has been doing during the last eighteen months since the publication of the White Paper on the Empire Defence by Mr Baldwin is worth attention : one has only to watch what the British Government has been doing in order to further arm itself more and more in all the three arms of the defence, namely, the air, land forces and the navy, and one will realise that what is being done here is only a part of that big scheme. Only recently we have had proposals of the Government of India being carried out in practice, such as, mechanisation, motorisation,

etc., and I think this Bill is meant to further that object. I feel that we have no obligation to defend the British Empire. We have no gratitude, nothing has been done by the British Empire for us. Either on the ground of gratitude or on the ground of obligation there is no incentive for us to fight for the British Empire. Therefore, it will be perfectly right and patriotic on the part of every Indian here to throw out this Bill without the slightest regard for those who appeal to the communal passions or to any other considerations which are not in the best interests of this country. Sir, I support the motion for circulation.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : I rise to oppose this non-contentious Bill of Mr. Ogilvie. There could not have been a greater joke than when he declared that this Bill was a non-contentious one. The whole thing is a huge joke. The Bill is intended to penalise certain anti-war activities, or, to be more precise, certain anti-war opinion and speeches. The Honourable the Mover of this Bill has divided these speeches into two categories, speeches for spread of peace and pacifism, and speeches asking people not to take part in any war in which the British Empire may become engaged. As regards speeches which are intended to preach the gospel of peace, Mr. Ogilvie has very kindly left them untouched. We are grateful to him for that mercy but as regards speeches against war, certain penal provisions have been introduced. The public speeches which, he declared, form the cause of action for this Bill have not been proved but I shall proceed on the assumption that those speeches have been made, asking the people of India not to join in any war in which the British Empire may be involved. I shall proceed on that footing. This principle that an Indian cannot advise his countrymen not to enter the army is one that is not acceptable to us. It is a new principle altogether which has been enunciated by Mr. Ogilvie. I shall not go into details but I shall confine myself to the broad questions. The question is what is the real object of this Bill and what is the principle underlying it. It appears to me that the principle is this. If the British Empire becomes involved in any war, the question arises as to who is to decide as to whether India should take part in that war or not. Is it for India to determine that question for herself or is it for Great Britain and the British Empire to dictate to India. The question is—can India stand up and say that we are not satisfied that the war is just and necessary in our interests ? If after examining the whole question, as to the nature of the war, the countries with which it is waged and the causes and so on, India comes to the conclusion that it is not a just war and that it is not in her interests to join it, then the question arises as to who is to determine whether India should take part in that war or not. If Pandit Jawahar Lal or Subhash Bose advises his countrymen not to join the army, does Pandit Jawahar Lal or Subhash Bose become a criminal ? That is the question raised in this Bill. The question is not whether as a result of war the prices of commodities will go up in the Punjab or in any other part of India. The question is not the solution of the unemployment problem. It was said by one gentleman on behalf of the Government that the result of a war is increase of prices. I do not know whether that gentleman was put up on the side of the Government to make or make out a case like this. Is that the case of the Government that they want war because war will increase prices ? Mr. Ogilvie nods his head and declines to accept that view. I do not know on whose authority he spoke on behalf of the

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Government. What was the instruction received by him from the Government ? Was that the instruction received by him from the Government that he should make out a case like this ? However, I shall not trouble the House with this. The question is what is the principle of the Bill. It is a fundamental constitutional question of paramount national importance. The principle for which we stand is the principle of self-determination. So far as the question is concerned as to whether India shall participate in a war or not, that is a question which India must determine for herself and not any outsider. On that point I want to make this submission. This is a piece of legislation which is entirely new in the history of British India. Will Mr. Ogilvie answer this question as to whether or not this is an absolutely new principle which he has introduced ?

**Mr. C. M. G. Ogilvie** (Defence Secretary) : Yes, it is an absolutely new offence which has been invented.

**Mr. Akhil Chandra Datta** : It was reserved for Mr. Ogilvie to inculcate this new principle after 175 years of British rule. He calls it a Criminal Law Amendment Bill. He says it is a Bill to amend the criminal law. Was there any such law in existence before this ? Amendment presupposes the existence of some law and, therefore, when you call it a Bill to amend the criminal law, that is a misnomer. What is really intended is stated in another portion of the Bill, namely, a Bill to supplement the criminal law. Do you want to supplement or to amend ?

**Mr. C. M. G. Ogilvie** : You can call it either, as you like. I am not sure whether this volley of questions is purely rhetorical or whether I am supposed to carry on a conversation with the Honourable Member ?

**Mr. Akhil Chandra Datta** : We Members of this House ought to be able to make a distinction between what is supplementary and what is in the nature of an amendment. Sir, the Indian Penal Code was enacted in 1860 immediately after the sepoy mutiny. In fact although it was passed in 1860, we know as a matter of fact that it had been drafted some time before. So it would be correct to say that the Indian Penal Code was drafted and passed at the time of the sepoy mutiny, and, surely, this portion of criminal law did not escape the attention of the great jurist, who drafted that great code. We find that although provisions with regard to offences relating to the army, the navy and the air force were made in Chapter VII in section 131 and the following sections, this point was not touched. My point is this that although the Indian Penal Code was passed in 1860 immediately after the mutiny and although provisions were made with respect to offences relating to the army, the navy and the air force, yet such an outrageous law is not to be found in the Indian Penal Code. The author of that criminal code was no other than Macaulay, a very great jurist, and now, after about three-quarters of a century, we have got another Macaulay in the person of Mr. Ogilvie to supplement the Penal Code. Let us now come to the Great War of 1914. Now was there any such law at that time either passed or attempted to be passed ? Was there no Ogilvie at that time in India ? Now, Sir, even without any legislation like this, India gave her money, her men and her materials lavishly and spontaneously. The question arises,—in view of that experience of the Great War of 1914,—what is the reason which has actuated Mr. Ogilvie

to bring forward this measure, this compulsory co-operation ? The pertinent question arises—what happened after the experience of the Great War ? What has happened since then which has prompted a measure like this ? Sir, I may be uncharitable but my own reading of the situation is this, that large promises were made at that time, large promises followed by smooth excuses. There was a breach of faith, a breach of solemn pledges made at the time to India and to Indians in order to induce them to join the war. Now, Sir, in view of that breach of faith, probably,—of course I cannot read the mind of Mr. Ogilvie,—probably he feels that it is not possible to cheat people always and for all time, and that explains this new chapter of criminal law on the eve of what is apprehended to be another great war. I should like to add this that there was in 1911, the Indian Army Act, there was in 1932, the Indian Air Force Act, and there was in 1934, the Indian Navy Discipline Act. Even on those occasions it was never proposed to carry legislation to such an extent. Therefore that will show that something has happened since then, .....

**Mr. C. M. G. Ogilvie :** Yes.

**Mr. Akhil Chandra Datta :** ..... which has prompted this measure,—and that is a lack of confidence in themselves. They want the support of Indians, they want the co-operation of India but they feel that no longer will that co-operation be forthcoming spontaneously and voluntarily. Now, Sir, before I am asked to vote in support of this Bill and before any Member of the House is asked to cast his vote in support of this Bill, we ask one question : “ Will you, before you declare a war, have the consent of the Indian people ? ” Give me that guarantee and I shall vote in favour of your Bill. Will you give me that assurance that no Indian will be required to serve outside India, that no Indian or Britisher who receives his pay from the Indian exchequer will be required to fight outside India if any war is declared without our consent, give me that assurance and I am prepared to vote for this Bill. Now you want a blank cheque. Sir, in the Statement of Objects and Reasons it is said that the object is to penalize “ speeches designed to dissuade persons from enlisting in the Defence Forces or, in the alternative, to incite would-be recruits to commit acts of mutiny or insubordination after joining those Forces ”. Whatever may be the character of the war—for imperialistic purposes or for crushing a small nation—whatever may be the object of that war, we are asked indiscriminately to support this measure. You want to penalize the dissuasion of people from taking part in any such war, and you want a blank cheque. Now can you reasonably ask us to vote in support of this Bill without any discrimination between war and war ? So, Sir, we cannot support this Bill in this form. The next question is supposing you obtain our consent before, well and good. But if on the contrary, in the teeth of opposition, in defiance of Indian opinion you declare a certain war, can you reasonably and with any moral justification ask us to fight for you, to fight as your mercenaries, as hired *lathials* ? Allow me, Sir, to ask one more question—for whose benefit has Mr. Ogilvie brought forward this Bill ? He said in the preamble to his Bill, “ whereas it is expedient to supplement the criminal law ”—expedient for whom ? (*An Honourable Member from the Official Benches* : “ For India.”) I am sorry. The whole nation has not become so perverse as not to mind their own interest. If it is expedient for India, can you suggest any reason why we should not support this measure ? Have you got any personal quarrel

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with Mr. Ogilvie? You want us to support this Bill but, before we do so, we must be satisfied that it is in our interests and it is for our benefit. Now, the question resolves itself into this: Is it in the interests of India to support any Imperialistic war for Imperialistic purposes? Will it not be cutting our own throats if we support such war? Will it not be suicidal for India to support a war like that? What is the verdict of the Indian people on the subject of war? Indian people have clearly expressed their opinion that they are not going to repeat the blunder of 1914. Here is the Resolution of the Indian National Congress. It is a long Resolution and I shall not trouble the House with the reasons given in support of it. The material portion of that Resolution is this:

“India can be no party to such an imperialist war and will not permit her manpower and resources to be exploited in the interests of British imperialism. Nor can India join any war without the express consent of her people. The Congress, therefore, entirely disapproves of war preparations being made in India and large scale manœuvres and air-raid precautions by which it has been sought to spread an atmosphere of approaching war in India. In the event of an attempt being made to involve India in a war, this will be resisted.”

That is the considered verdict of the Indian National Congress. I hope I shall not be misunderstood, but may I be permitted to say this that although this is the opinion of the Indian National Congress and I do not say that it is binding on the Muslim League, it is a matter in which there is no communal question. Therefore, I feel that I am not asking too much if I request the Members of the Muslim League to take into consideration the merits of this Resolution. As a matter of fact, there is no conflict between the Hindus and the Mussalmans, at all events so far as this question is concerned, there is no manner of conflict between the interests of the Hindus and the Mussalmans. I repeat that this verdict of the Indian National Congress is not binding on the Muslim League, yet I do hope that they will consider the merits of this Resolution. Now, Sir, that is the Congress Bill and here is Mr. Ogilvie's Bill. Therefore, I think I may say that it is really a challenge to the Congress Resolution. Mr. Ogilvie shakes his head. He will further agree that it is practically a declaration of war against the Congress. He does not nod his head now. We should be able to realise the far-reaching implications of this Bill. If this Bill is placed on the Statute-book, the Indian politicians will not be able to say that they cannot join the war. Speaking for myself as an old man of 69, I should like to say this that before I advise my countrymen to join any Imperialistic war, I would rather be in jail for years under this law.

Another question that I would like to ask is, on whose advice has this Bill been brought up? Will Mr. Ogilvie take the House into his confidence and place the inner history of this Bill before the House? Will he place the history of this Bill frankly, honestly, and without any reserve before this House. I hope he is inclined to do this. I hope in his reply he will tell us what is the origin of this Bill and from where the inspiration has come? Has the inspiration come from the Punjab or has it come from overseas? It is said that the Punjab Government had been carrying on correspondence in this matter. The Punjab Government have the power to enact this legislation for the Punjab and yet they have not done it. We all know, Sir, that Mr. Mardy-Jones is now touring in India.

**An Honourable Member :** Leave him alone.

**Mr. Akhil Chandra Datta :** I can leave him alone for other provinces, but not for the province of Mr. Satyamurti, where he is now preaching the Gospel of co-operation of Indians with the British Empire in the next war. This Bill and the tour of Mr. Mardy-Jones appear to be parts of the same scheme. That is the point. If Great Britain wants our co-operation and support, is this the way to get them? Co-operation should be a willing co-operation and the support should be a spontaneous support and not a sullen and unwilling support at the point of a bayonet. May I point out that such a support has no value at all; it will frustrate its own object if you compel people against their own wish to join the army and to fight for some people other than their own people. Sir, I do not wish to go into the details. But I would like to say just a few words about the two *Exceptions*.

The first *Exception* says that 'the provisions of clause (a) of this section do not extend to comments on or criticism of the policy of Government'. The most important policy about this question is the policy as to whether the Indian army should be sent out to other countries for Imperial purposes. But if you discuss that policy, you are within the mischief of this Bill.

*Exception 2* says :

"The provisions of clause (a) of this section do not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependants."

I am very anxious to invite the attention of the House to this aspect of the question, namely, you can advise to the benefit of an individual; but that very advice you cannot give for the benefit of the nation or for the benefit of the country. That is what it comes to. In other words, although it is said to be an exception, it is only in fact emphasising that aspect of the question, namely, that you cannot advise for the benefit of the country and for the benefit of the nation. It must be only for the benefit of the individual. Therefore, this Bill is really a fresh fetter on the freedom of speech and freedom of opinion. In fact these provisions go far beyond the Statement of Objects and Reasons. There it is said that public speeches are to be penalised. That is what is said in the Statement of Objects and Reasons. But when you come to the actual provisions, you find no question of public speeches. Even a whisper in a private chamber between two friends will come within the mischief of this Bill, because all that is said there is : "if he dissuades or attempts to dissuade". So that not only the principle is mischievous, but also the detailed provisions are extremely dangerous. In fact it will not be very wide of the mark if this Bill is characterised as martial law, because it seeks to supplement the Indian Army Act, the Naval Discipline Act, the Indian Air Force Act. But these Acts apply only to those people who, according to the provisions of those Acts, are subject to them. In fact they apply only to military people. But those military provisions are sought to be applied now by this Bill to non-military people. So, I submit this law is much more martial than those other laws.

I do not like to take up any more time of the House. I shall conclude with one observation, that is self-interest and self-respect should decide

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the whole question and so far as we, on this side of the House are concerned, our interest is to oppose this Bill, and our self-respect dictates that this Bill must be thrown out.

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : Sir, since yesterday, I have been closely following the trend of speeches made on the Bill introduced by the Honourable the Defence Secretary. In these speeches there has been an anxiety shown by the Congress as well as by the Official Benches to win the sympathy of the Honourable Members belonging to the Muslim League and to obtain their support and their vote. Why this anxiety ? Outside the Assembly, the Congress has not recognised the Muslim League as the representatives of the Muslim community. One Honourable Member from the Official Benches yesterday appealed to the Members of the Muslim League not to be led by the nose by these Congresswallahs. Why this anxiety on the part of the Official Benches to get our support ?

The Congress goes to the Britishers in the person of Mahatma Gandhi, or in the person of Pandit Jawahar Lal Nehru or in the person of Mr. Bhulabhai Desai. All these go to the Britishers. Till now Mr. Jinnah has not even been invited by the Secretary of State or the Viceroy. I say that the Congress and the Britishers are close allies. There are two kinds of imperialisms in this country. If imperialism means anything, there is the British imperialism and there is the Hindu imperialism, or if you like Congress imperialism. To me Congress imperialism and Hindu imperialism mean the same thing. The Congress and the Hindu Mahasabha are one and the same thing. Between the two imperialisms stands the Muslim League raising the standard of democracy aloft and its principle is not to consider a question on any other consideration except justice and fair play on the merits of it. We stand by justice and fair play. We mean to be the determining factors in the solution of all problems which are vital to India. We mean to remain that determining factor in the Assembly as well as outside. Let the world listen to my words and to my declaration and the world will see that we are gathering strength. We are going from strength to strength, every day strength is being added more and more. Those who run away with the idea that there is a split among us, are wrong. We are a small block of 16 or 17 or 20 today. We hold the balance of power. Whichever side we go that side wins. But as I already told you, we will never go to the side of wrong. We will never go to the side of injustice. If my Honourable friend, Mr. Ogilvie, is under the impression that we are tied to the apron strings of Dame Britannia, he is mistaken. We here want to uphold the standard of justice, the standard of fair play and the standard of strength. I, as a Muslim, want India to be emancipated, I want India to be free, although as a Muslim, I cannot forget what the Britishers did to us in 1914. I do not forget how the Khilafat was dismembered. I do not forget how the Muslims were made the cat's paw of the policy of Great Britain so far as the Islamic countries were concerned. I cannot forget all these things. But as one friend over there, Mr. Akhil Chandra Datta, pointed out, since 1914, much water has flowed under the bridges



of the Hughli. Since then, much water has certainly flowed, volumes have flowed down the bridges of Attock, the Jhelum, the Chenab, the Ravi, the Beas and the Sutlej. A change has come over India. A change has also come over the Britisher's mentality. He is not the same Britisher as he used to be in 1914. With his war panoplies, with his naval fleets, with his aeroplanes he used to thunder at the gates of Bosphorus and he used to threaten Turkey with instant annihilation. Since then many changes have come over the world. Younger States have risen. Germany, Italy and Russia have risen and in the East there is the growing power of Japan. Would you believe that small States like Roumania and Bulgaria have increased their military strength immensely ? Even small States have an army of ten lakhs today. What is the military strength of India ? It is only three lakhs or even less than that. It is 50 or 60 thousand Tommies with their orange marmalade, butter and toast and other amenities of life and about 2½ lakhs of Indian soldiers with their *chapati* and *dal* and *bhaji*. So if a war comes, we cannot ignore the world situation. We do know and we do realise that we are standing at the present moment on the brink of a great precipice. The war came in 1914 and this time it will be a terrible war. This time it will be a greater Armageddon. Can India defend herself ? Certainly not with the meagre forces at her command. I have not forgotten the wounds inflicted upon the Mussalmans in the year 1914 and from the year 1914—18. But I want the people to come down from the transcendental heights of theory and come into the realm of practice. It is a world of stern realities ; and what are these stern realities ? Germany stands armed to the teeth, France stands armed to the teeth, Italy stands armed to the teeth, and so does Japan and so does Russia. And where does India stand with an unarmed population of 37 crores ? You say you will turn the Britishers out of India and I am with you there ; I want the Britishers to clear out bag and baggage. But how is that to be done ? Is it going to be done by the spinning wheel and by non-violence ? No. Even Mahatma Gandhi, that high priest of pacifism, comes down from the transcendental heights of non-violence to the lower plane and has a talk with the Viceroy. That talk was confidential but, somehow or other, the Editor of the *Civil and Military Gazette* disclosed everything. And what was the trend of that talk ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the  
1 P.M. Honourable Member had better deal with the Bill.

**Maulana Zafar Ali Khan** : I am coming to that : what I wanted to point out relevantly was that Mahatma Gandhi was very anxious that the centrifugal tendencies of a province should be neutralised by the centripetal forces of the Federation. In other words, he meant that no province should be made strong enough to fly off at a tangent when the time comes. And what are these provinces ? The United Provinces with 14 per cent. Muslim population and 86 per cent. Hindus ; Madras 95 per cent. Hindus and 5 per cent. Muslims ; the Central Provinces with 5 per cent. Muslims and 95 per cent. Hindus ; Bombay with 10 per cent. Muslims and 90 per cent. Hindus. There are only two provinces, *viz.*, Bengal and the Punjab, where unfortunately for the Congress the Muslims happen to be in a slight majority.

**Mr. President** (The Honourable Sir Abdur Rahim) : I must ask the Honourable Member to address himself to the subject matter of the Bill before the House.

**Maulana Zafar Ali Khan** : I am coming to the subject of recruitment to the army, but what I am trying to show is that even a man of Mahatma Gandhi's non-violent nature admits that we must have an army here although he does not want that the Punjab should have an army in which the proportion of Muslims should be 64 as it is at the present moment. I was just referring to that.

Now, I come to what our friend, Mr. Ogilvie, says with regard to the Bill. I certainly am with my Congress friends when they say that the military resources of India shall not be exploited for Imperialistic purposes. But I also realise that the mainstay of India is the army ; we must have an army and a vast army. I want every son of India to be a soldier ; and when a war is so near, India should be prepared for that. So, when we want an army we want it for the defence of India ; we want it for the defence of those with whom our interests do not come into conflict. We are even prepared to be the allies of Britain if she requires our military help and if that help does not run counter to our interests.

**Sardar Sant Singh** (West Punjab : Sikh) : On what terms ?

**Maulana Zafar Ali Khan** : Yesterday my Honourable friend, Sardar Sant Singh, was saying that we are prepared to co-operate with the Britishers if they give us something in return, that is to say, a *quid pro quo*. It is for Sardar Sant Singh and for our friends over there to have a bargain. That bargain is going on in London and in Delhi and we know nothing about it. So if they want our support they must take us into confidence. Then we will put our heads together and see what can be done. So far as this Bill is concerned, Mr. Ogilvie has not made out a good case. In this connection he referred to the gallantry of the Punjab people. Certainly the people of the Punjab are gallant. The Muslims are gallant and the Sikhs are gallant ; only those people are not gallant who the other day held a conference in Lyallpur. So they are gallant and they are loyal also.

**Mr. N. M. Joshi** (Nominated Non-Official) : What about us poor Hindus ?

**Maulana Zafar Ali Khan** : Some of them are gallant like Mr. Joshi for instance. Well, we are gallant men, but so far as loyalty is concerned, I know my Punjab and I know my India from Cape Comorin to Srinagar and from Quetta to Rangoon. I have my finger on the pulse of the Muslims and the Muslims of the Punjab say that they are loyal to Islam in the first instance and then to any other power. Then the Sikhs and the Hindus of the Punjab of the type of Sir Chottu Ram say that they are loyal to the country and their bread first and then to any other interest. So loyalty to Britain is a secondary thing. But we have to pull on with the Britishers and that is a stern reality. We want them to realise our strength. Since 1919 they have come down from the high pedestal of Imperialism on which they were sitting. They have parted with their power in the provinces and the power of the provinces will go on increasing. So, in so far as this Bill wants to treat as an

offence punishable by law all attempts at dissuading any one from enlisting in the army or the navy or the air force, I agree with the principle. But when it comes to the question of using these recruits and using this army for Imperialistic purposes, may be for blowing up Palestine or bombing Waziristan or the dismemberment of Arabia, I put my foot down.

**Sardar Sant Singh :** And for caging you.

**Maulana Zafar Ali Khan :** I am an old bird and cannot be caged. If only you appreciated what I am saying you would not be caged but, unfortunately, you want to use us as a pawn on your chessboard and we are not going to agree to that. This Bill from that point of view is a mischievous Bill. It might have been introduced in all good faith : such Bills have been introduced and placed on the legislative anvil in all good faith but later on they are used for purposes other than those for which they were originally intended. Take the Press Act. In 1910 this law was passed and we were then told that because Chapekar murdered Lieut. Rand, therefore, they were placing this instrument in the hands of the authorities so that no such incident should occur again. The Muslims joined the bureaucracy and the Act of 1910 was passed, but what was the result ? The Muslim press was butchered ; and when I went to England and saw members of Parliament in 1914 when the war broke out, they promised me in the House of Commons that this Press Act would be repealed. That promise was fulfilled, but later on other conditions arose and we were as before. Therefore, this Bill may be brought from very good and honest motives but when the time comes to put it into practice what would be the result ? Anybody saying : " We must not join the army because this army would be used for the annihilation of Palestine ", would be clapped into jail and sentenced to two years. This two years is too much. This rigour should be reduced. There should simply be a fine. There are other modifications also which should be made. After this general discussion is over and amendments are moved, then there should be some modifications and my definite and studied opinion is that this Central Government, consisting as it does of irresponsible gentlemen, who are not responsible in certain matters to the public and who can have their own way, should not have this instrument of repression in their hands. Let it go to the provinces : let it go to the United Provinces, the Central Provinces, Bombay, Bengal and the Punjab, and let those Governments who are directly concerned be invested with the power to enforce the Bill whenever they consider it necessary, three months hence or six months hence or whenever they want it. I am sorry I cannot see eye to eye with Mr. Satyamurti in his proposition to circulate the Bill for public opinion. I am of the opinion that the power of the Provinces should be increased : this Bill should be sent to them and they should be invested with the power of enforcing it whenever they like. With these words, I do not support the motion of Mr. Satyamurti.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**The Honourable Mr. R. M. Maxwell** (Home Member) : Sir, this debate has so far proceeded mainly on very very general lines, but in the course of yesterday's debate, two specific points were raised, both of them, I think, material to the consideration of this Bill, and I propose to deal with those first. The first point raised was that when the Criminal Law Amendment Act of 1932 was re-enacted in an amended form in 1935, section 2 of the 1932 Act which dealt with dissuasion from enlistment was then dropped from the new Act, and the reason was asked why that was so, and why, in the second place, if that was so, Government have now reversed their policy and find it necessary to put in that section again. The reason why section 2 was not re-enacted in 1935 was that this section was originally framed at a time when civil disobedience held the field. When, however, the Act was revised in 1935, conditions had changed, and there was at that time no anti-recruitment campaign in active progress. Therefore, when considering the terms of the 1935 Act, Government felt that the House should not be pressed to pass measures which were then not immediately necessary, since the view was taken that if anti-recruitment propaganda re-commenced at any time, it could then be dealt with by means of *ad hoc* legislation such as in fact the present Bill is.

Then, I turn to the question why the present circumstances justify a reversal of that policy. What are the actual facts in view of which the Government have decided that a measure of this kind is now necessary? Well, I can only give the House a brief resumé of the information in the possession of Government which has led them to conceive this measure. Information has been coming in ever since the beginning of April, 1937,—that is, since the beginning of the new Constitution,—to the effect that what I may broadly describe as anti-recruitment speeches were becoming a more frequent feature of public meetings. In the period from the beginning of April until some time in December, 1937, intelligence was received that 115 different speakers made, what I may call, anti-recruitment speeches at 71 meetings in the province of the Punjab alone. Nine of those meetings took place in the Ambala Division of the Punjab, four of them being in Rohtak. Fifteen of the meetings took place in the Jullundhur Division eight of them being in Jullundhur. Thirty meetings took place in the Lahore Division, 15 of them being in Amritsar. Ten meetings took place in the Rawalpindi Division, four of them being in Shahpur. Seven meetings, again, took place in the Multan Division, three of them being in Lyallpur. One feature of these meetings at which anti-recruitment speeches were made was that they were largely promoted by speakers from outside the Punjab. In fact, it appeared during that period that a dead set was being made at the Punjab recruiting area by outside speakers. I admit that some of this propaganda originated with speakers who are themselves inhabitants of the Punjab, but the most frequent occasions on which speeches of the kind I am referring to were made were socialist meetings, *Kisan* conferences, Youth League conferences and so forth, and in fact this propaganda, it has been noticed in other parts of India, appears to prefer meetings of that description, that is, meet-

ings having a definite socialist bias. Well, the advice usually given at these meetings takes two forms, one of which is direct, that is, the audience is urged not to supply recruits to the Indian army, and another class of more general propaganda is uttered urging that the audience should refuse to help the British Government in the event of a war by providing men for the army, or that Indians generally should not take part in any future war in which the British Government might be engaged. Actually, as an effect of this propaganda, it was reported by a recruiting officer in the Lahore area as early as May, 1937, that there was a falling off in the number of recruits at Sheikhpura, Gujranwalla and Shahpur districts. I have given the House some figures showing the actual volume of this propaganda during the period from April to December, 1937, but since December, 1937, about 130 cases of similar meetings have been reported from the Punjab alone; also similar reports have come in from other provinces more occasionally. The last information which I saw, which is not quite up to date, mentions cases occurring in the Central Provinces, in Bihar, in Orissa, and in Bengal during the second half of July. There was only one meeting of that kind in each of those provinces, and also one in Bombay, and a larger number of meetings of the same kind in the Punjab and the United Provinces. In the Punjab the number of meetings in the second half of July was nine, and also meetings were held at various places in Amritsar District, of which I have not got the exact figures. Those were held under the auspices of the District *Kisan* Committees. In fact, two speakers in the Punjab even advised Indians to join hands with the enemies of Britain and fight the British in the event of a war. Now, Sir, I have not got the actual text of these speeches. I do not believe that most of them were reported *verbatim*. I am not telling the House that I have got evidence I have not got, but I do tell them that reports in similar terms have been coming in with almost monotonous regularity ever since April, 1937. They have been coming in from a large number of totally independent sources and widely separated places, and on such evidence it must be accepted by Government that this propaganda is at present wide-spread. The information which we have is as well vouched for as any information on which Government ordinarily act, and I must ask the House to accept it from me that Government are satisfied that this propaganda is at present in very active existence.

Now, I will turn to the more general aspects of the case and to the attitude which I wish this House to take up towards the present measure. I should like to begin by saying that I in no way misunderstand the motives of those Honourable Members who have urged the rejection of this Bill. I doubt myself whether any Honourable Members really believe that the cause of pacifism would be advanced if propaganda of this kind were allowed to succeed and the Indian army was thus depleted of its strength. The House will remember the saying that it takes two to make a quarrel, and I would suggest as a corollary that it also takes two to keep the peace.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Not with non-violence.

**The Honourable Mr. R. M. Maxwell** : If two are non-violent then the peace can be kept, but if only one is non-violent, it cannot be. (Interruption.) Nor do I believe that Indian opinion generally is pacifist in the

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sense of repudiating all desire to fight for what it believed to be right, but I shall allude to that point a little later. I doubt indeed whether many of the Honourable Members who have opposed this Bill would support the type of propaganda I am referring to if they really believed that it would be successful, because they must see that, if over a sufficient period successful propaganda were carried on against recruiting to the army, in the end there would be no army left to India.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Say, Army recruited by you.

**The Honourable Mr. R. M. Maxwell** : I will come to that later. As I have said, I do not believe that Honourable Members oppose this Bill with the desire or belief that this propaganda would be successful. Certainly those who really care for the interests of the peasantry in the recruiting area would not wish the propaganda to be successful. We have heard about that yesterday from one of my Honourable friends on this side. And indeed I question whether there are many Honourable Members who would really wish to see the Indian army defeated on Indian soil for want of recruits. Nor, lastly, do I believe that any Honourable Member would regard it as a matter of national honour that Indians should enter the army only in order to act as traitors when they had got there. That is the kind of thing against which clause 2 (b) of the Bill is directed. Now, Sir, as I said, I do not believe that Honourable Members really think that this should happen. I believe the real object of the opposition to this Bill is not to give a blessing to activities which the Bill seeks to prevent, but rather to assert an abstract proposition, namely, that India desires to make and manage its own army ; and, in fact, one of the objects is to assert the general desire for self-determination. Now, I realise that those sentiments are honestly held by many Honourable Members opposite and I have no desire to discuss them. I have no quarrel with the expression of such sentiments. But if this Bill were to be rejected merely as a gesture, regardless of the immediate practical requirements of India, regardless of the merits of the Bill, but merely as a gesture to assert, " We want self-determination ", then I would suggest to the House that to throw out a Bill of this kind, designed to protect the army, is the wrong way to assert those sentiments. It is an utterly short-sighted policy ; it is playing with fire, gambling with the safety of India.

**Mr. M. Asaf Ali** (Delhi : General) : What is the right way ?

**The Honourable Mr. R. M. Maxwell** : I will now turn to constructive ideas about India's army. I remember what the Honourable Member, Mr. Asaf Ali, said on the adjournment motion the other day, where he said something like this, " Leave it to us, we will find the men ". I may not have quoted his exact words but that was the sense of what he said. Again, in his very able and interesting speech on this Bill Mr. Satyamurti remarked, " We want a national army ". These are not pacifist sentiments !

**Mr. S. Satyamurti** : On a point of personal explanation. We want an army, not to fight others, imaginary enemies, but to preserve our territorial integrity and to promote world peace. Not an aggressive army, but a defensive army.

**The Honourable Mr. R. M. Maxwell :** I would like to say that I have observed the same desire for military training to be widespread throughout the country. I gather from press reports that the United Provinces Government are considering a scheme for compulsory military training in high schools and colleges. In Bihar there is talk of a special college combined with preparatory military training in schools, and it is said that a pamphlet, a long pamphlet on the subject has been published by that Government urging a regular course of instruction and drill in secondary schools. I have heard of similar ideas advanced also in the Central Provinces. We know again about Dr. Moonje's Military School at Nasik, and such institutions have, I believe, been started or proposed elsewhere. The President of the Hindu Mahasabha himself has, as we know, often urged in the course of his tours the need of training India's manhood for their duty of protecting the country. Similar ideas lie behind the resolutions of the Calcutta Corporation and the Madras City Council demanding physical training for all males fit to receive it. And in another place I have heard Government criticised for not doing more to throw open recruitment to the so-called non-martial classes. Does all that mean pacifism ?

**Some Honourable Members :** Yes.

**The Honourable Mr. R. M. Maxwell :** But Mr. Satyamurti explains that idea by saying that he wants an army in order to keep the peace of the world. How he is going to do this in a way different from that always pursued by Britain is not very clear.

**Mr. S. Satyamurti :** Wait and see.

**The Honourable Mr. R. M. Maxwell :** But Mr. Satyamurti speaks as though non-violence were the solution. It is instructive to hear his comments on the non-violent policy of Britain. Britain, he says, has become like an old woman afraid of every dictator. The idea that when Britain holds her hand she does so because she is afraid of other people is a mistake which other nations have made in the past and they have learnt it to their cost. But it is surprising to me to find Mr. Satyamurti of all people criticising Great Britain for being insufficiently violent.

**Mr. S. Satyamurti :** On a point of personal explanation, Sir. If England be following Mahatma Gandhi's gospel of non-violence, I should congratulate her ; but she won't fight for right, because she is dead to all sense of honour.

**The Honourable Mr. R. M. Maxwell :** Now, Sir, let me proceed with the subject of non-violence. Assuming that that is our creed, is there not a danger that a non-violent Indian army might meet with contempt from marauding nations, similar to that which Mr. Satyamurti has poured upon Great Britain ? Or that the jest, though I am sure it was not ill-meant, which he levelled at the alleged British habit of invoking God on all occasions, might by unsympathetic people be turned against the odour of sanctity surrounding non-violence ? I should like Mr. Satyamurti to remember the saying that " God is on the side of the big battalions "....

**An Honourable Member :** That is what you believe.

**The Honourable Mr. R. M. Maxwell :** . . . and so, I may add, is non-violence. But, again, it will be said, perhaps, that all we want is to build up our own army : but does not every Honourable Member in this House realise that the building up of an army requires much time and much training ? Mr. Satyamurti referred with disgust to the modern methods of war, and I entirely share his sentiments, but does the repudiation of these methods mean that they will not be used against us or that they can be repelled except by training men in the repelling of those methods and making provision for all the engines of war necessary to deal with them ? India may boast of numbers and it may, and I am sure will, have the will to serve, but numbers and the will to serve by themselves are not enough. Have those things helped in Spain, China or Abyssinia against a better equipped opponent ? To pit an amateur army against modern engines of destruction may be magnificent but it is not war. It is rather the slaughter of the innocents. Therefore, I believe it is the height of rashness to say that because we have not yet an army made by ourselves, therefore, we can contemplate with equanimity the subversion, the destruction of the Indian army which we now possess. This army is today and for a long time to come at any rate must be India's own army, its only army, and this army must be the foundation stone of any different or larger army which may be created under a nationalist Government in India in the future. I wish this House to realise that disloyalty to the Indian army which is now theirs is the same thing as disloyalty to India.

**An Honourable Member :** Question.

**The Honourable Sir R. M. Maxwell :** At any rate if any Honourable Member were prepared to entertain the rash sentiments to which I have just alluded, the Government cannot be a party to any such rashness. No Government, this or any other Government which may follow it, can afford to gamble with a big risk when the safety of the whole country is at stake. This propaganda against recruitment may be merely a gesture but we must assume that those who pursue such activities wish them to succeed. That is, they wish India to be left without an army or with an unreliable army long before she has any other means of defending herself. Government are bound to regard this propaganda as a serious danger and to take steps to meet it which they nevertheless hope will not prove to be required if this Bill is passed. Therefore, they have placed this measure before this House in the belief that the House, realising its own responsibilities to India, as well as those of Government, will help Government in passing it into law.

**Mr. A. Aikman (Bengal : European) :** Mr. Deputy President : I am very grateful to Mr. Satyamurti for raising the point of the influence which Great Britain today holds in international councils, which he rated as very low, for while I must refute his statement entirely it gives me an opportunity to pay a tribute, where a tribute is due. Mr. Satyamurti tried to belittle Britain's prestige in this respect, whereas the truth is that it is higher than that of any other country. If proof were necessary, may I remind this House that a British *ex-Cabinet* Minister has been received by one of the smaller but most important countries of Europe as an adviser with a view to the settlement of a most difficult international problem—almost an unique proceeding—and the choice of an Englishman would have been impossible if Britain's prestige were not as high as I



have declared it to be. As regards the tribute, a great deal of the credit for the high place which Britain undoubtedly does hold is due to the untiring energy, the ability and the honesty of purpose of a gentleman for whom I believe every Member of this House has a considerable regard and certainly great admiration, because he laboured here in India for India with such conspicuous success. I refer to Lord Halifax.

Now, Mr. Satyamurti contended that when the British Empire breaks up, and I would make it clear that I am not prepared to concede that it will, it will be an occasion for peace and prosperity throughout the world. Just the contrary must be the case. The attitude of all other countries—the example of one country's attitude is Lord Runciman's mission to which I have just referred—shows clearly that the prestige of the British Empire as a force for peace stands as high now as ever. She has been referred to as the cornerstone of the world's peace. I need not search very far amongst those daily papers which are the mouthpieces of the party to which my Honourable friend, Mr. Satyamurti, belongs to find occasions where they have demanded that England should intervene to stop active aggression by Japan, by Italy and Germany. Apparently they depend still on the British Empire as a peacemaker. Certain allegations have been made regarding speakers at numerous meetings and it has been claimed that attempts have been made to prevent recruitment and to stir up mutiny amongst troops. It has been argued that such attempts are dangerous to the security of this country but these are not new allegations. They have been made before and justified before. Action has been found necessary to deal with them before. I find difficulty in seeing the point of trying to disprove the truth of these allegations even by an ingenious quibbling. My Group feel that putting political and party considerations on one side it would generally be agreed that at this critical juncture in international affairs—and today's news is not too reassuring—it would be in the highest degree unwise to put any obstacle in the way of those who are responsible for carrying out the duty of providing for the safety of this country.

**An Honourable Member :** Safety for whom ?

**Mr. A. Aikman :** In these circumstances, Sir, I must oppose the amendment.

**Mr. Sham Lal** (Ambala Division : Non-Muhammadan) : Sir, this  
3 P.M. subject is being debated for the last two days, and the impression is that the Bill is being introduced because there is danger of a war and it is in order to avert that danger and not to have any obstacle in the way of recruiting that this Bill is being discussed, and my friend, the Honourable Mr. Aikman, has stated before you that the British prestige is very high and that Mr. Satyamurti is wrong that the British power is now like an old woman. But I want to quote to you Mr. Lloyd George, the *ex*-Premier. Has my friend read the speech of the *ex*-Premier ? Sir, he said that Britain has become the jest of the whole world ; if its hat is taken off, if its coat is taken off, it raises not its little finger.

Sir, Abyssinia was conquered by Italy and they said they were going to enforce sanctions against Italy. Manchuria was invaded by Japan and war is going on in Spain round about the British lands there. I say,—well,

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you may raise an alarm in England, you may raise an alarm in India that there is going to be a war. Sir, there is not going to be any war, and if there is, England is not going to fight. The Honourable Mr. Maxwell has stated that it takes two to quarrel. Sir, Britain is not going to quarrel ; you might as well ask a wealthy man to quarrel. Having taken possession of one-third of the globe covering most of the wealth of the world, why should she go to fight ? I think, whatever might be said in this House, the impression is gaining ground in the world that whatever steps you might take, whatever country is invaded, Britain is not going to fight. Sir, a wealthy man loses the motive for a fight, and a wealthy man loses courage, and Britain has lost courage. There is *not* going to be a fight. What they want is to raise an alarm in India. Britain raised the pay of British soldiers and officers in the name of war, and by their war preparations in England they are exploiting the poor people of England so as to have more war materials and more war ships so that they might divide the dividends. England is not going to war and, therefore, I say this Bill is quite uncalled for. England also knows its position. Why should she go to war ? Every sacred promise that it has given it has broken. England, Sir, stands discredited throughout the world. Now, it is not by way of a joke that I am telling you this. The Congress has in the past supported England in its war. I was present at the time when the Indian National Congress held at Delhi in 1919 congratulated the allies on their victory. I have followed and everybody has followed the proceedings of the Imperial Conference when Mahatma Gandhi supported the war and supported Britain. Sir, if you read the history of the Rohtak district and its war services, you will know the facts. I was the publicity Secretary, and why is it that we have now changed ? Every promise that you gave you have broken. The few persons who helped you in recruiting men you have rewarded by rectangles, **jagirs**, etc. But so far as the soldiers are concerned, I have heard from soldiers themselves that at Bombay their uniforms were taken away and how you otherwise treated them. You made a declaration that it was His Majesty's desire to give responsible Government to India and Mr. Montague came here, but what took place afterwards ? Martial law, the crawling order, shooting at Jallianwala Bagh, the Rowlatt Bills, and what not. This is what you do after winning the war. You felt secure and disregarded Indian opinion.

Sir, the Honourable Mr. Maxwell stated that it would be a disaster. Well, what I submit is this. Suppose the position is this that you gave promises at the time of the war and you broke them. You refuse to Indianise the Indian Army. On every occasion you break your promise. You are raising the army expenditure and you are raising the pay of the British soldier. You cancel the commissions for Indians on one pretext or another. You shoot people and use your army for bombing the frontier, and you use your army for suppressing the Arabs in Palestine. You talk of self-determination, you talk of democracy, you talk of the freedom of small nations, and what are your secret treaties which have been published by Russia ? While you are shouting the slogan of self-determination and the freedom of small nations, it seems from the treaties published that you were allotting various regions to various allies and so it turns out that a particular area is allotted to one or other of the several allies. Your fraud is exposed. You may be powerful, you may be keeping a very large pro-

portion of the globe, you may be commanding all its resources, but the word of Britain and its Prime Minister, as Lala Lajpat Rai once said, is not as good as that of a grocer. What is your word, what are you doing? Of course you have got the army, you have got the police, you are bombing the frontier, you can set up one speaker against another, and what is the argument of the Honourable Khan Bahadur Nur Muhammad? His arguments cancel the arguments of Mr. Ogilvie and Mr. Maxwell, and what he says is: "look here, there is poverty in the district, people are unemployed, I have to post punitive police because they are a turbulent people, they are unemployed, they want their agricultural produce to be sold. If there is a war, there is no question of an Indo-British agreement, there is no question of heckling the Commerce Member, well, your products would be purchased. That is the position". Is that an argument? Does it show, as Mr. Ogilvie stated, that 99 per cent. of the peasants of the Punjab are loyal and it is on account of serving king and country that these people are anxious for recruitment? Sir, they want to be recruited, they want their agricultural products to be sold, and they want war, which England does not want. Why then do they want it? I say it is disloyalty. Really then these peasants want to exploit the troubles of the British people, they want war, and I think his statement is quite correct. If I go to the Rohtak district and that is also a recruiting district, I find people asking me: "When is there going to be a war? These British people now ignore us, they have become very stiff. When we went to England and France, English girls washed our faces, they kissed us, they promised us everything, they said to us, 'you are our equals, you have saved us', but now when we go, what do we find? They stand in a martial posture and say, 'what do you want'?"

I just remember the case of an officer how the position is being exploited. In 1922, when Mahatma Gandhi stopped the civil disobedience movement and I was walking on the railway station, a deputy collector shouted to me and called me, and said: "Come here, Sham Lal, what is the matter, when are you going to start this non-co-operation movement again?" I said: "Why do you want it?" and he said, "Oh, when your non-co-operation movement was going on, every British officer respected me and salaamed me and gave me a chair, but now they are kicking me. When are you going to start the non-co-operation movement?" Sir, that is the game that is being openly played. When I came to the Assembly in 1935, some Nominated Member said the same thing and everybody was saying the same thing. Now they realize their difficulties. They said: "If we support Government, well, we get some reward". I have been a publicity Secretary and what did I see when the War was going on? War meetings were held and demonstrations were staged for persons who offered their sons and no names were mentioned. Then people got their rewards from Sir Michael O'Dwyer. He wired to them: You have given 3,000 recruits and so this reward is being given to you, although not a single relation of theirs took part in the War. Sir, this is a trade just as you have got your trade in the Clive Street of Calcutta and this is what Mr. Nur Muhammad meant when he said that people want war. Sir, people have got their programmes ready. People in the districts either want election or war. Peace does not help them. They are being taxed and money is being taken away from them. If the election comes some candidates give them a motor drive and also something to eat. If the war comes, then, of course, the Recruiting

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Officer goes here and there and some of these people become Recruiting Officers themselves and they draw first class travelling allowance. I remember the instance and I can substantiate it. What is your attitude ? A very eminent person, who was your pillar in the War for recruiting, went to the Colonisation Officer on the 6th April, 1919, because he had got some rectangles and he wanted good ones. The orderly wanted some bribe from him. When he went to the Colonisation Officer, the war had stopped and he was stiff and he did not talk to him. This gentleman was also a man of strong character. He said : " Oh, yes, now the War is over. We wish that there may be war again and you require our services." That is the spirit. Do you think these people whom you are going to recruit are going to fight for the King and the country ? Do you sincerely believe it ? Can any Englishman, who has been in charge of a district, say that these people fight for the King and the country and there is a spirit of loyalty in them ? Mr. Ogilvie said that 99 per cent. people are loyal. I say, this is wrong. Even if we start a propaganda and even if we do our best to dissuade the people from joining the army, there is the stomach question. The question of the bread is such an important question that it is difficult even for us to succeed. If you want soldiers and if you want people to fight who are starving, you get any number. Therefore, my submission is that it is wrong to say that the people are loyal to you. Having broken all your promises, you dare not ask the people to have any faith in you. Of course, if there is hunger and poverty, they will come to you. Here is the argument of Mr. Nur Muhammad and here is the argument of Mr. Maxwell. Mr. Nur Muhammad has been the Deputy Commissioner of Sheikhpura and he has stated that people are offering themselves for war and they want to be recruited. Mr. Maxwell has just now quoted that there has been a falling off of recruitment in the Sheikhpura district. How are we to reconcile these two statements ?

My own view is that there is not going to be a war. We want that there may be a war and you may know your strength. I wish that the Honourable Mr. Nur Muhammad and other people were able to induce this Government to go to war. I have got a grievance against Mr. Satyamurti because he is threatening these people that India will not help. I wish that they may not be frightened and they may go to war and then let them realise their position. Let me assure you that it is not the Honourable Mr. Nur Muhammad who would come to your help, and your money would last only for a short time. But I think it is quite probable that England will not go to war. I rather wish that it may go to war not because, as Mr. Ogilvie said, that we want another foreign power which would reward us with independence. No foreign power can reward us with independence. It is our own strength and our own power which will give us independence. We do not want any other foreign power. But we do want war so that you may realise your own position. I remember a story which is current in our district. Once the god of rain wanted to punish the peasants. He collected all the clouds and said : ' Look here, these peasants have not been behaving properly. Let us punish them.' Then, most of the clouds except one said : ' Let us not give rain and let us not hold out any expectation. Let there be no rain, and these peasants would starve.' But there was one very wise cloud and in our district he is called : " Kana Badal " (one-eyed cloud) and he came forward and said : ' You are all fools. They have

got store for one year. If there is no rain, they cannot starve ; they will live. I will tell you how you should proceed and that is the way of punishing them. You appear to be raining and some of the clouds should burst, so that if there is some rain in their houses it will be sown in the fields and when their store is exhausted, there should be no further rain. In this way they will starve and that will be the proper way of punishing them'. I do not like the position that the Congress has taken up. I have many complaints against them. They want to frighten the British people. Let them feel secure that India is going to fight with them and let them go to war, and then they will realise that in the world there is no supporter. What did Mr. Nur Muhammad say ? He said that Sardar Sant Singh is a drawing room politician and he does not come in contact with the masses and he (Mr. Nur Muhammad) alone knows the reality. He further said that it is these hired people who are getting Rs. 10 or Rs. 15 a month who are asked to dissuade the people from joining the army and he, a real patriot, getting an honorarium of Rs. 2,000 a month, knows the real position. We are the hired people and you are the honorary worker. We are the mercenaries and he is an honorary worker. He said that the people of the villages in which he has posted the punitive police and the turbulent people, the murderers and the dacoits, who are unemployed will be let loose on the enemy if there is a war. This is your recruiting. Is that the recruiting that you want ? Do you want this recruiting which is suggested by Mr. Nur Muhammad, that most of the unemployed people are starving, they have become decoits and thieves, and if there is a war, there will be an opportunity for them ? Do you want such an army, an army of persons who live in villages in which punitive police has been posted ? You want to exploit them.....

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I rise on a point of order. The Honourable Member is misrepresenting Mr. Nur Muhammad.....

**Some Honourable Members** : No, no.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member had no business to interrupt the Honourable Member's speech.

**Mr. Sham Lal** : I am sorry it was left to my Honourable friend, Dr. Sir Ziauddin Ahmad, to take up cudgels on behalf of Mr. Nur Muhammad. I have not even seen the face of this gentleman ; I have read about him and I had defended his victims.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : And yet you do not know his name.

**Mr. Sham Lal** : I know his achievements, I can perhaps make a mistake only about his name. Anyhow, I do not want to go into that point. I believe Mr. Nur Muhammad to be an honest gentleman. I have got nothing to say against him. Whatever he did, he did so according to his own conscience and according to his own light. The difficulty is he is more loyal than the King himself. He reported against certain persons, because they joined the Congress jubilee celebrations.....

**The Honourable Sir Muhammad Zafrullah Khan** : Is that in order, Sir ? Having reported against certain people, is it relevant to the discussion ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I want to know the precise statement made by the Honourable Member that is taken exception to.

**The Honourable Sir Muhammad Zafrullah Khan** : The statement that is being taken exception to by me is the reference to some report made by Mr. Nur Muhammad as an officer of Government in the discharge of his duty as a public servant. I submit this is not relevant.

**Mr. S. Satyamurti** : I want to make a submission to you, Sir, before you give your ruling. The Honourable Member, Mr. Nur Muhammad, yesterday regaled the House with his experience as a District Magistrate, and the opinions of various people under his charge, as to why they wanted war, how they were anxious to be recruited for war, and why, therefore, we should support the Bill. I submit, my Honourable friend, Mr. Sham Lal, is quite right in rebutting the statements of Mr. Nur Muhammad on the ground that he does not know what he is talking about. Mr. Nur Muhammad yesterday made out that he knew far more about the masses than all of us put together, and that the masses wanted this Bill. My Honourable friend, Mr. Sham Lal's contention is that Mr. Nur Muhammad is a bad judge of men and things, and, therefore, his statement ought not to be accepted by the House.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Let Mr. Sham Lal proceed.

**Mr. Sham Lal** : I was submitting, Sir, that my Honourable friend, Mr. Nur Muhammad, was making out that he was in contact with the masses and he understands the feelings and sentiments of the people. I say that that statement is wrong. I submit he has got no contact with the real masses. He has got contact only with certain *jolichuks* and certain title holders. If there is any Deputy Commissioner in the Punjab who is quite out of touch with the masses it is my Honourable friend, Mr. Nur Muhammad, because it was in his district that he reported to the Government that certain Congressmen who were Municipal Commissioners and one of them the President of the Municipal Committee should be unseated because they joined the Congress jubilee celebrations.

**Khan Bahadur Shaikh Nur Muhammad** (Punjab : Nominated Official) : On a point of order, Sir. I would have Mr. Sham Lal as my judge. I would state the case to him privately.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : That is not a point of order.

**The Honourable Sir Muhammad Zafrullah Khan** : Mr. Sham Lal is referring to what Mr. Nur Muhammad did as a District Magistrate. I would again urge that that is not relevant to the discussion of the Bill. When Mr. Nur Muhammad spoke, he spoke as a Member of the House. He no doubt stated his own experience. He said he had come in contact with various people and he had observed their activities. Surely, what he did in his capacity as District Magistrate is not relevant to the discussion of this Bill.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I am afraid the Honourable Member has himself brought on his head all these troubles. Mr. Nur Muhammad deliberately referred to his own activities as a

District Magistrate and so the Opposition is perfectly at liberty to traverse those grounds and demonstrate that he had really no contact with the real masses.

**Mr. Sham Lal :** I do not mean for one moment to cast any reflection upon my Honourable friend, Mr. Nur Muhammad. But he has got his own mentality. It is not my fault. In the Punjab, Government had to turn down his recommendation on the ground that he was moving too fast.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I would advise the Honourable Member not to be personal.

**Mr. Sham Lal :** Then I would leave it at that. I submit, Sir, we are being misrepresented when it is urged that we are against any recruitment at all. The Congress Resolution is that we should not join in any imperialistic war. The Honourable the Defence Secretary in his speech said the Congress—of course he did not refer to it by name—he said that people here want the collapse of the British Empire. They want to dissuade people from joining any war, without any regard being paid against whom it is waged. My point is this : if you want to wage war, it may be against any friendly power and your position is that we should not dissuade people from enlisting as recruits. That is the position of the Government. Our position is perfectly clear. If you do not consult us in the war, if you do not Indianise our army, if you do not want to make India self-sufficient, if you want to wage war for imperialistic purposes, if you want to crush other powers, if you want to bomb the Frontier, if you want to suppress the Arabs in Palestine, then we have every right to ask the people not to be your recruits. We do not say do not join the army. Nobody says there should be no army. You are misrepresenting us when you say that we advocate that in no case we should join the army. The only question is this : so far as India is concerned, do you give the assurance, or is there any law which says that when England declares war against any other country, she would consult India. Are the Government prepared to show by their conduct that they have been doing anything to Indianise the army ? Or do you want only cannon fodder and you do not want Indian officers ? Is it not a fact that the late Commander-in-Chief said the other day that we do not get the right type of material ? Is there anything in our blood that makes us unfit as soldiers ? Is there anything in our traditions that debars us from being military officers ? You declare us unfit and then you condemn us. I say yours is a queer way. When you begin to recruit people, you recruit only sons of title-holders and sons of men in position who are not brought up in hardship and who are having an easy going life and who cannot become good officers.

**Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) :** Question.

**Mr. Sham Lal :** My Honourable friend says ' question '. I can give him two instances. There were two captains in our district in 1916. When the Great war was at its height, they danced with their sword before the recruiting officer saying that they would shed their blood for the British Empire. The result was that their two sons were granted commissions in the army. Afterwards they were found unfit.

**Sir Muhammad Yamin Khan :** These two cases do not prove your proposition. They may be exceptions.

**Mr. Sham Lal :** There are hundreds of cases like these. Therefore, my position is this. Do the Government think that they can manufacture loyalty. You say, "we want recruits, and it would be a bad day for India if people do not join the army". I say where is the question of joining the army which army is not for our protection. This army is for your imperial purposes. This army is used to antagonise other nations against us. I remember the speech of the late Maulana Muhammad Ali in September, 1920, when he came to Rohtak. What did he say? He said that he went to Egypt on his way to Europe. But the Egyptians did not receive him warmly. They said, "We do not want to look at an Indian. You have not only enslaved yourselves but you have enslaved other nations." That is what Maulana Muhammad Ali reported. If you want to use Indians for enslaving other nations and for your own purposes and if there is an army of occupation whose salaries are always increasing, and then you ask me why I am discouraging recruiting, I say that no self-respecting Indian can encourage recruiting; and if the army is to be used against his will, I think he would be quite right in dissuading people from joining such an army. But that does not mean that you would ask people not to join a national army. I, therefore, think this Bill should be rejected and this motion should be passed.

**Mr. N. M. Joshi :** Sir, I rise to oppose this Bill. This is a Bill which places unjustifiable restrictions on the civil liberties of the people of this country. It places restrictions on the freedom of speech, the freedom of the press and on the freedom of action of the people of this country, and I hold, Sir, that those restrictions are unjustifiable. The Bill not only places restrictions on the freedom of public speech but even on the freedom of private speech. Before we agree to pass a Bill placing restrictions on the fundamental freedom of the people we must know from the Government of India what is the justification for it. Unfortunately the Honourable the Secretary for Defence did not give much justification for the Bill which he has himself placed before this House. I heard carefully the speech of the Honourable the Home Member also. There is no doubt that the speech which he made was a very able one and in an excellent tone. But I must admit that his speech has not convinced me that the Bill is necessary. There are people who hold that it is wrong to get international disputes settled by the arbitrament of war. They, therefore, hold that it is not right that people should engage themselves in the profession of soldiering which involves not only killing others but also placing one's life in jeopardy. Those people who hold this view have a right to hold this view and express this view and try to convert other people to their view. Therefore, if the freedom of these people is to be curtailed you must make out a case as to the moral justification for curtailing that freedom. The Honourable the Home Member said that an army is necessary and, therefore, any restrictions placed on the freedom of the people who obstruct recruitment are justified. Sir, I do not hold that view. Supposing for a moment that an army is necessary,—and I feel that in the present circumstances armies are necessary,—still is it proved that in order to have an army Government can do anything without a moral justification? He has not proved that.



Therefore he has to prove, although we may accept that armies are necessary, that the restrictions which he is placing are morally justifiable. He told us that if the pacifists succeed what will happen? I have some sympathy with pacifism although I have not yet come to the stage when I would abolish all armies in the world. But, Sir, I do not feel afraid of the success of pacifism. I feel that if I succeed in converting my country to pacifism and if the army in my country is abolished, the armies in other parts of the world will also be abolished. I do not hold that the other parts of the world are more blood-thirsty than India. I feel that if India can be converted to the pacifist view other parts of the world can also be converted. Therefore I am not afraid of the success of my views. Therefore if the Government of India want to keep an army,—and let us assume that an army is necessary,—they must make out a case that an army cannot be maintained without placing restrictions on the liberties of the people. If the Government of India want an army and if there are people who preach that they should not join the army, we have not passed a Bill yet prohibiting the Government of India from recruiting or engaging propagandists asking the people to join the army. After all the number of people who are preaching in the whole of India as given by the Honourable the Home Member is 165. Am I to understand that if the socialists and the *kisans* in this country can bring forward a small number of preachers against recruitment, the mighty Government of India which spends 45 crores of rupees cannot engage many times larger number of preachers to preach that serving in the army is the right thing to do? And not only that, but that service in the British army is the most paying thing in the world? Why do they not do it? The number of people whom the socialists and *kisans* engaged is only a small one. I do not think the number is 71 even. The Honourable the Home Member said the number of meetings is 71.

**The Honourable Mr. R. M. Maxwell :** I think I said that the number of speakers was 155, and that was upto December. .

**Mr. N. M. Joshi :** The Government of India are rich enough to engage 1,500 preachers telling people the advantages of serving in the Indian army.

**An Honourable Member :** Who will pay the money?

**Mr. N. M. Joshi :** The Government of India are spending 45 crores. In order to save a lakh of rupees or even five lakhs of rupees are you justified in placing restrictions on the freedom of the people? That was not the argument of the Honourable the Home Member, that the Government of India have no money. Therefore if the Government of India want to maintain their army in its fullest strength let them meet the arguments of these people who are preaching against recruitment. Let them engage men and instead of 155 let them engage 1,500 men. But the Government of India are quite sure in their own mind that even if they engage 1,500 men their preachings will not be of much use, because most of these 1,500 men will be mercenary. They will not be speaking from their heart but for money. Then there is another thing. The conditions which the Government of India give to the soldiers in the army may not be favourable. Is it the intention of the Honourable the Home Member that whatever conditions the Government of India

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give to the army, recruits must come ? No, Sir. He knows very well that when British recruits do not come they improve the conditions. Therefore my suggestion to the Government of India is that instead of placing restrictions on the freedom of the people they should improve the conditions of the army if they want to get recruits. That is the way to secure recruits. Sir, the Honourable the Home Member also realises that even though we may believe in the existence of the army, and an army is necessary and may be used, still does it follow that we should recruit or encourage recruitment or at least we should not discourage recruitment and dissuade the people from being recruited for a war in which we do not believe ? Is that the argument of the Home Member that every war in which Great Britain is engaged and in which Great Britain wants or uses Indian forces is a just war ? The British people may believe that every war in which their government is engaged is a just war, but the Honourable the Home Member knows very well that even all British people will not agree that every war in which the British Government engages itself is a holy war and, therefore, it should be supported by every Britisher. The Honourable the Home Member and the Government of India must recognise the special condition of India. Even if we believe in a war, still we do not believe in every war. We may not dissuade people from being recruited in a war which we know is in the interests of India ; but certainly every war which is in the interests of Great Britain is not in the interests of India. I hope the Government of India will recognise this fact. Therefore it is wrong to expect that every Indian, whatever may be his views, should abstain from preaching against recruitment for a war in which Indians do not believe. I hope that the Government of India will not try to restrict the freedom of the people without any moral justification for restricting that freedom. If the Government of India want to maintain an army, let them show the advantages of employment in the army. It is open to them to do so. Let them give proper conditions to the people. It is open to them. I have no doubt that India is such a vast country that in spite of the fact that there are hundreds of people preaching against recruitment, there will be sufficient number of recruits coming. Not only that. Not only is India vast, but India is a poor country. There are millions of people starving in India. If you will give good conditions for your soldiers, whatever may be the number of people preaching against, you will not find it difficult to get recruits.....

**An Honourable Member :** But who will ultimately pay them ?

**Mr. N. M. Joshi :** Therefore it is wrong for the Government of India to adopt the easier method of securing recruits by trying to put people in jail : and that kind of recruitment will not be of much use. I, therefore, hope that the Government of India will reconsider their position.

**An Honourable Member :** And withdraw this Bill.

**Mr. N. M. Joshi :** If the Government of India on account of the preaching of, say, 155 people find it difficult to get sufficient number of recruits in the whole of India, they have to thank themselves for this difficulty. The Government of India is following a very wrong policy in the matter of recruiting for the Indian army. In the first place for reasons

best known to themselves they have divided the country into martial and non-martial. That fact itself creates difficulties for the Government of India. If that division had not existed, the difficulty in recruitment will not exist. Not only that. But the Government of India is following another wrong policy. They recruit from very restricted areas—a large proportion of the recruitment comes from the Punjab. By concentrating recruitment in the Punjab, the Government of India are exposing themselves to a great danger and they must thank themselves for that danger. If you recruit your men from all over the country, even 155 preachers will not be sufficient to prevent recruitment. We shall have to find out not 155 but perhaps 15,000 people to prevent recruitment. But the Government of India are following a wrong policy in the matter of recruitment.

The Honourable the Home Member also said something about discipline. He said : “ Do any people here like the Indian soldiers being traitors ? ” Sir, nobody here likes Indian soldiers, or for the matter of that any Indian, to be traitors. But, is it being a traitor if soldiers in an army sometimes feel it necessary to rebel against the conditions which are imposed upon them ? I quite understand the desirability of discipline, and the justification for maintaining a very strict discipline in the army. But is it not equally necessary that the discipline which you impose has a moral justification ? I have recently heard something which has given me some idea about the discipline which is being maintained in the army. I met some boys who are being trained as Indian officers in that college at Dehra Dun, called the Indian Sandhurst. I was told that these boys cannot read newspapers conducted by Indians : they must read only the *Times of India* or the *Statesman*. May I ask whether action of this kind tends to the maintenance of discipline ? Why do you expect Indian boys to be satisfied by reading the *Times of India* and the *Statesman* ? If your discipline is that the boys must read the *Times of India* and the *Statesman*....

**An Honourable Member** : And the *Civil and Military Gazette* !

**Mr. N. M. Joshi** : ...and no other paper, and if I am one of the students, I shall read an Indian newspaper anyhow, and I have absolutely no doubt in my mind that the boys who are studying in the Indian Sandhurst at Dehra Dun do read Indian papers....

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : We did that in jail !

**Mr. N. M. Joshi** : I was told that the boys could not bring books in their mother tongue. If you are a Hindi-speaking student, you cannot bring a Hindi book there. You must read only English books. Now, if your discipline is of that kind and if that discipline is not maintained, can any one blame those people who rebel against that discipline ? I, therefore, feel that simply because by the speeches of some people some discipline is disturbed, it is not right to put those people in jail. You have to make out some case that your discipline was a just one and had a moral justification, and secondly, that the man who was preaching against that discipline was doing a wrong thing. It is not right that when you find that your discipline is disturbed by the speeches of some people, whatever may be the justification, the man must be put in jail. I feel that the Bill goes too far and has absolutely no moral justification in placing these restrictions upon the freedom of the citizens of this country.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

**The Honourable Sir Manmatha Nath Mukerji** (Law Member) : Sir, I rise to say a few words in connection with this Bill. My Honourable friend, Mr. Satyamurti, did me the honour yesterday, in the course of his brilliant speech, of inviting me to answer some points of law which, in his opinion, have arisen in connection with this Bill. And I should be extremely discourteous if I were not to respond to his call. So far as the policy, the propriety or the necessity of the Bill is concerned, they are matters which have been dealt with fully, clearly and satisfactorily by the Honourable the Mover of the Bill, the Defence Secretary, and also by the Honourable the Home Member. With such facts as it was possible for the Honourable the Defence Secretary to place before the House he has shown that the Bill is not only not an unwanted measure, but that it has become absolutely necessary to pass a Bill of this nature. My Honourable friend, the Home Member, has placed before the House this afternoon various other facts and figures and I take it that the House is now convinced....

**Some Honourable Members** : No.

**The Honourable Sir Manmatha Nath Mukerji** : ....that the Bill is one which should be passed. (Interruption.) If there is yet one Honourable Member in this House who is not satisfied as regards the urgency or the propriety of the measure, I may tell him that it will not be possible for me with my feeble voice and the insufficient knowledge I possess of this matter to supplement the speeches of the two Honourable Members to whom I have referred, and to convince him that he is wrong or to persuade him to convert himself to the view that the Government take....

**Mr. Sri Prakasa** : You will be the first recruit.

**The Honourable Sir Manmatha Nath Mukerji** : I shall not be sorry. I propose, with the permission of the Chair and the House, to deal with certain legal aspects which have been discussed and certain questions of law which have been raised as standing in the way of the passing of this Bill. I shall ask the House not to expect from me a fiery speech or a brilliant speech or even an interesting speech, for points of law have got to be discussed in a calm atmosphere and only with such reasoning as may appeal to those for whom the arguments are meant....

**Mr. Sri Prakasa** : But recruits have to go to fiery war.

**The Honourable Sir Manmatha Nath Mukerji** : One of the points made by my friend, Mr. Satyamurti, was that this is a Bill which we are being made to pass for the benefit of the Punjab Government, and if I may be permitted to quote his words, he said, 'why should we carry the child for the Punjab Government'? In support of this contention, he placed before the House certain considerations, and the main consideration in connection with it was this, that this Bill relates to a subject which is to be found in the concurrent list, and, therefore, it is in the fitness of things that it should be brought, not before this Legislature, but before the Punjab Legislature. My learned friend was shrewd enough, if I may be permitted to use that word without meaning the slightest dis-

respect, to refrain from asking the Chair to give a ruling on the point, on the other hand, he expressly stated that he did not ask a ruling from the Chair on the point. I take it that he did so for the reason that it is not possible for the Chair to go into the question, nor is it possible for the House to arrive at any other conclusion than, that the Bill is one which is outside the scope of the Provincial Legislature. I hope to be able to satisfy the House on this point in a few minutes. It will be seen that the two lists, list No. 1 and list No. 3, are not exclusive of each other in all respects and on all points. It will be seen that there are items in the two lists which overlap. That is quite plain from a reading of the two lists. The principle upon which one should proceed in order to interpret the two lists, I take it, is this,—you have got to look into list No. 1 first, and if you find that the subject matter is one which is covered by it, then you need not go any further. If you come to that point and if you are satisfied that, as a matter of fact, the subject falls within the purview of list No. 1, it is not necessary for you to go into any of the other lists in order to see whether the subject also falls under those other lists or under any one of them. This position will be perfectly clear if one reads the plain provisions of section 100 and section 107 of the Government of India Act ; because the proposition that emerges from the provisions of these two sections taken together, is this, that if there is any particular matter with regard to which list No. 1 and list No. 3 overlap, then to the extent of such overlapping, it is list No. 1 that should prevail, and not list No. 3. Now, Sir, I do not propose to dilate on this point, because this is a proposition with regard to which there can be no doubt or dispute, and, therefore, in construing these two lists in order to find out whether this piece of legislation comes within the exclusive jurisdiction of the Federal Legislature or it is a matter to be found in the concurrent list, it would be enough for our purposes if we could find that as a matter of fact it is covered by list No. 1. That is the principle upon which one should proceed in order to decide this matter. But, Sir, I am not going to be too technical, and I would follow the same procedure which was followed by my esteemed friend, Mr. Satyamurti, yesterday. I would refer first of all to list No. 3, and I propose to show that, as a matter of fact, the subject matter of this Bill is not covered by item No. 1 of list No. 3. My esteemed friend, Mr. Satyamurti, read, or rather tried to read, list No. 3 yesterday,—I say tried to read, because I recollect, unless I am very much mistaken,—that on no less than three or four occasions he read only a portion of the clause, and not the whole of it. He did so, carried away as he was by his emotions and the indignation, as he felt, at the unrighteous and iniquitous, as he supposed, nature of the Bill that is now before the House.

**Mr. S. Satyamurti :** I plead guilty !

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Then sentence him to six months.

**The Honourable Sir Manmatha Nath Mukerji :** It is not a matter or an occasion on which it is possible for me to pass any sentence,—indeed it was very good of my esteemed friend, Mr. K. Ahmed, to have come to my rescue and pass a sentence on Mr. Satyamurti.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Then you add a fine.

**The Honourable Sir Manmatha Nath Mukerji** : Item No. 1 of list No. 3 runs thus :

“ Criminal law including all matters included in the Indian Penal Code at the date of the passing of this Act.”

This is the point up to which the Honourable Member was good enough to read this clause. But there are other words that follow, and they have got to be taken into account. They are these : “ But excluding offences against laws with respect to any of the matters specified in list No. 1 or list No. 2 and excluding the use of His Majesty's naval, military or air forces in aid of the civil power ”. Now, Sir, the word “ but ” appearing there has got a special significance, and the plain meaning of this clause is,—for my present purposes I omit the words “ excluding the use of His Majesty's naval, military and air forces ”,—this. Criminal law comes within this list,—criminal law including all matters to be found in the Indian Penal Code,—but the word “ but ” is there,—but excluding such matters, whether they are to be found in the Indian Penal Code or not, as come within the purview of List No. 1 or List No. 2. That, I submit, is the meaning of this clause. It may be argued,—I do not know whether it is in the mind of any Honourable Member in this House,—that, after having said that all matters included in the Indian Penal Code are to be included in the criminal law—whether in those circumstances the use of the word “ but ” in that clause would detract from the position which is thus arrived at and would take out offences which would come within List No. 1 or List No. 2, even though such matters are included in the Indian Penal Code. But, Sir, I do not propose to rely upon this ; it is not necessary for my purposes to find out whether any offence included in the Indian Penal Code which is also included in List No. 1 or List No. 2 is to be taken as excluded from item No. 1 of list No. 3.

My point before the House is that, as a matter of fact, if the subject matter of the present legislation comes within the purview of list No. 1. if we arrive at that conclusion, then it must be excluded from List No. 3 because it is so expressly stated there in item No. 1 of List No. 3. It is not suggested that the offences against which the present legislation is going to be passed are offences which are covered by the Indian Penal Code, and if there is in the mind of any Honourable Member present in this House any impression to that effect, I would most humbly submit that that impression is wrong. Therefore, what we have got to do is to look at List No. 1. It is clear that the matter comes within item No. 1 of List No. 1 read along with item No. 42 of that List, and in this way, item No. 1 of List No. 1 is this : “ His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Government.” Item No. 42 says : “ Offences against laws with respect to any of the matters in this list.” The two offences which are provided for in the Bill now before the House are these. Clause 2, sub-clause (a), says : “ wilfully dissuades or attempts to dissuade the public or any person from entering the mili-

tary, naval or air forces of His Majesty". That is one of the two offences. If this offence is not provided for and if this offence be allowed to continue, if acts detrimental to recruitment are allowed to go on with impunity, the result would be that His Majesty's naval, military and air forces would be depleted and a time would come, sooner or later, when the army such as it exists at the present moment will disappear altogether.

**Mr. Sri Prakasa :** Where is the harm ?

**The Honourable Sir Manmatha Nath Mukerji :** I am not concerned with the question as to whether the disappearance of the army will cause any harm to this country or not. That is a matter, as I have already said, of policy, and if any Honourable Member in this House really believes that the disappearance of the Indian army at the present moment would be a boon and not a disaster, I should like to let him remain content with that opinion of his. Honourable Members will please see that so far as this question of law is concerned, sub-clause (a) of clause 2 of the Bill states that it is an offence to wilfully dissuade or attempt to dissuade the public or any person from enlisting in the army. This provision that we are making now is a provision in aid of recruitment for His Majesty's Forces, and therefore it does come clearly within the provisions of item No. 1 of List No. 1.

**Mr. Sri Prakasa :** We shall not dissuade you to recruit yourself; we shall encourage you to do so.

**The Honourable Sir Manmatha Nath Mukerji :** I shall be glad if you encourage us in that respect. But as regards sub-clause (b) of clause 2 it is still more plain that the offence of instigating a person to infringe military discipline or refuse to obey orders after that person has enlisted himself is an offence which would relate to the naval, military or air forces of His Majesty. Therefore, there can be no question, I submit, that, as a matter of fact, the subject matter of this legislation is not covered by item No. 1 of List 3 but falls directly within the purview of item No. 1 of List 1 read along with item No. 42 of that List. Now, Sir, it may be said, and indeed it has been suggested in the speeches delivered by some of the Honourable Members in this House, that this is criminal law and that in the Title of the Bill you have said that it is a " Bill to amend the criminal law ". With regard to this Title, I have heard my Honourable friend, Mr. Akhil Chandra Datta, to say in this House that this is not a Bill to amend the criminal law, but it is a Bill which adds to the existing criminal law. Well, speaking for myself, I say, and I say this with very great deference to my esteemed friend, Mr. Datta, that what he has pointed out is no real distinction. A piece of legislation which adds to an existing law can, I submit, be said with propriety to be an amendment in respect of that existing law. And in interpreting the lists it is not that we have to see only the title of the Bill. The title undoubtedly is there—a Bill to amend the criminal law,—but you have got to see the pith and substance of the Bill. That has been laid down, I may inform the House, in a very large number of decisions, but I shall not tire the patience of the House by referring to any of them excepting one in which the whole law has been summarised in about eight or ten lines. The decision that I want to refer to, and from which, with the permission of Mr. President, I beg to place a few lines is the case of *Attorney-General for Ontario vs. Reciprocal Insurers and others*. It is

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1924 Appeal Cases, page 328, the passage is to be found at page 337. There also the question was as to whether a particular enactment fell within the purview of one list or another.

**Mr. Ram Narayan Singh** (Chota Nagpur Division : Non-Muhamadan) : But we are not bound by the decisions of courts.

**The Honourable Sir Manmatha Nath Mukerji** : If we are not bound by the decisions of the courts, then we have got to rely entirely upon our common sense, and, as far as my common sense has enabled me to find out the true legal position, I have placed that before the House for their acceptance. If anything more is wanted in support of the conclusion at which I have arrived and which I have submitted before the House, I think I may be permitted to refer to these decisions.

**Mr. Sri Prakasa** : I thought it was the court of Timbuctoo !

**The Honourable Sir Manmatha Nath Mukerji** : I am much obliged to my very esteemed friend for interrupting me in this way. I am used to this sort of interruptions and I don't mind them. On page 337, their Lordships of the Judicial Committee say this :

“ It has been formally laid down in judgments of this Board, that in such an inquiry the Courts must ascertain the ‘ true nature and character ’ of the enactment : *Citizens’ Insurance Co. v. Parson* (1) ; its ‘ pith and substance ’ : *Union Colliery Co. v. Bryden* (2) ; and it is the result of this investigation, not the form alone, which the statute may have assumed under the hand of the draughtsman, that will determine within which of the categories of subject-matters mentioned in sections 91 and 92 the legislation falls ; and for this purpose the legislation must be ‘ scrutinised in its entirety ’.”

So, there can be no dispute whatsoever with regard to this proposition that we are not to run away with the words ‘ criminal law ’ which have been used at the top of this Bill. We have got to look into the substance of it.

**Mr. Bhulabhai J. Desai** : There is no dispute about that.

**The Honourable Sir Manmatha Nath Mukerji** : The Honourable the Leader of the Opposition says that there is no dispute as to that. I am very much relieved. That being the position, I submit we have got to look to the substance, and, if the substance of the Act is looked into, I submit that there can be not the faintest room for doubt that as a matter of fact this is a piece of legislation which was not within the function of the Provincial Legislature to undertake but that it is a piece of legislation which, if it is to be taken up at all, should come before this House.

There is also a further point which I want to bring to the notice of the House and it is this. The Bill has received the sanction of the Governor General under section 108 (1) (c) read with section 313 (4) (a) of the Government of India Act, 1935. Now, this endorsement has a special significance and for this reason. If these two sections of the Government of India Act are referred to, it will be found that sanction has been given on the footing that this is a matter lying within the discretion of the Governor General such as is contemplated by section 11 of the Government of India Act and that because Part II of the Government of India Act has not yet come into operation, therefore, in a legislation of this description, the Governor General has to give his sanction under section



313 (4) (a) of the Government of India Act. Now, Sir, the four matters which you will find in section 11 of the Government of India Act are these, Defence, No. 1, Ecclesiastical Affairs, No. 2, External Affairs, No. 3 and Tribal Areas, No. 4. This is not a matter which can be said to be covered by the expression Ecclesiastical Affairs. This is not a piece of legislation relating to External Affairs. Nor again does the legislation relate to tribal areas. So, we are left with this, that this piece of legislation, in the opinion of the Governor General, is a piece of legislation connected with or in relation to Defence, a matter with regard to which he will have special responsibility when Part II of the Act will come into play. And, therefore, we have got to see if Defence by any chance is a matter falling within the purview of List III, that is, the Concurrent List. Honourable Members will find that whereas Defence, which is not specifically mentioned as a legislative subject in any of the lists and has been separately dealt with in the body of the Act, may perhaps be spelt out of Item I of List I, but it cannot, by any means, be taken as referable to in any of the items of List No. III. This again, I submit, conclusively shows that such a piece of legislation, whatever its character may be in the opinion of the House, is a piece of legislation which has to be brought before this House and with the sanction of the Governor General. I submit, therefore, that there is nothing in the point which my esteemed friend, Mr. Satyamurti, raised with regard to this matter.

I now pass on to another objection which has been taken but before I do so I may say also this, that the question as to whether the Governor General was right in giving his sanction to this Bill as falling within section 108 (1) (c) of the Act is a question which cannot be debated on the floor of the House and any decision which this House may come to on that point will, I submit, be wholly *ultra vires*, because it is a matter which really concerns the courts before which, if at all, this objection may be taken.

Then, Sir, it has been said in the next place—you are creating a new offence and at the same time it has been said that this is a matter which is covered by the existing law. So far as creating a new law is concerned, I submit before this House that we plead guilty to the charge. It is a new law which we are creating. We are creating new offences but the justification for the course we are adopting is that acts which previously were not used to be committed are now being committed and which in the interest of the State and, for the safety of the country, should be condemned and checked. So far as necessity for the Act is concerned, it has been brought to the notice of the House that the Punjab Government has asked for a Bill of this description. The question was put by one of the Honourable Members at the time when the Defence Secretary was moving his motion asking him to state whether the present Government or its predecessor had made that requisition. I most humbly submit for the consideration of this House that, as a matter of fact, it matters very little which of the Government did so. The Government, such as it is, that is the Punjab Government, felt the necessity for this Bill. There were other materials before the Government of India. In such circumstances this Bill has been brought. So far as the existing law is concerned, I have heard some of the speakers saying that the existing law is sufficient to cope with the situation. If the existing law is referred to, I submit it will be found that the two provisions which are now to be found in the Bill,

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in its sub-clauses (a) and (b) of clause 2, are not covered by any of the provisions of any existing law. So far as the Indian Penal Code is concerned, I remember—unless I am very much mistaken—the Honourable Mr. Asaf Ali suggesting that there is chapter VII of the Indian Penal Code, and that if you read that chapter along with the provisions of section 108 or some of the other sections relating to abetment you will be able to cope with the situation. My answer to that argument is this, that as a matter of fact chapter VII does not contemplate offences of this description at all. Reading the sections of chapter VII Honourable Members will at once see that there the offences are in relation to persons who have already enlisted themselves. An attempt to deter a person from enlisting or an attempt to dissuade a man from getting himself recruited, as also instigation prior to enlistment or recruitment, in consequence of which indiscipline takes place after enlistment cannot, by any stretch of imagination, be covered by chapter VII of the Indian Penal Code read along with any of the sections relating to abetment. I submit, Sir, that while we plead guilty to the charge of creating a new offence, we, at the same time, stand on this footing, that as a matter of fact the existing law does not cover cases of this description and, in the opinion of the Government of India, is not sufficient to cope with the difficulties.

Now, Sir, the third and perhaps the most serious objection that has been taken to this Bill is that it contravenes all cardinal principles of natural justice. It has been said that the elementary principle of presumption of innocence in favour of the accused and that the ordinary principle of law of the burden of proof resting upon the prosecution have been infringed. Sir, I have considered the matter with all the care that I am able to bestow on it, but I do not really see any point in any of these arguments. We were referred, I think,—if I remember aright—to a portion of a speech delivered by one of my predecessors which was read out to the House in connection with this matter. But if what was said on that occasion was that provisions of this description constitute an infringement of the rule of presumption of innocence on the part of an accused person or the rule of burden of proof lying upon the prosecution has been infringed, I must respectfully differ from that opinion. I have not been able to find in any of the provisions anything contravening those cardinal principles. Sub-clause (a) of clause 2 says: “ wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air forces of His Majesty ”, and sub-clause (b) says, “ instigates the public or any person to do, after entering any such Force, anything which is an offence ”, etc. The burden of proof certainly is on the prosecution according to the Bill as it has been drafted. Exception 1 has been provided with the object of taking of the category of offences speeches as to pacifism *bona fide* delivered, lectures on doctrines of humanity, and matters of that description which people would be perfectly within their rights to make even though this Bill is passed into law. It has also been designed to meet those classes of cases where a man *bona fide* ventilates his own opinion with regard to a question of policy. Exception 2 has been designed to cover such cases where, having regard to the position that the offender occupies in relation to the person to whom he gives his advice, it is his duty to give him such good and sound advice as he thinks necessary. These cases have been exempted. But it is well-known to

Members of this House that matters which come within the exceptions have got to be proved, not by the prosecution but by the accused. That is the ordinary law contained, if I remember aright, in section 105 of the Indian Evidence Act. and, in this respect, there has been no departure from the existing law in drafting this Bill. There has been as a matter of fact no attempt to over-ride the cardinal presumption of innocence or the ordinary rule as regards the burden of proof. I submit, therefore, that that objection also does not hold good. As regards what was said by my Honourable friend, Sardar Sant Singh, I think it would be an insult to the intelligence and experience of my Honourable friend, Sardar Sant Singh, if I ventured to point out to him that the provision of criminal law to which he referred, *viz.*, section 144 of the Code of Criminal Procedure, is really a sufficient deterrent. In fact in Houses of Legislature as also outside I have read and heard of speeches made condemning the action taken by authorities under the provisions of section 144 of the Code of Criminal Procedure where there is no specific provision of the penal law dealing with the matter. Unless there is some substantive provision specifically dealing with this subject, the mere fact that there is a preventive remedy such as is contained in section 144 of the Code of Criminal Procedure. I submit, should not deter Members of this House from passing this Bill into law, provided they are satisfied that a situation has arisen in which such a Bill should be passed. ....

**Dr. P. N. Banerjea** (Calcutta Suburbs : Non-Muhammadan Urban) : That is a big proviso.

**The Honourable Sir Manmatha Nath Mukerji** : .... a proviso which Members of this House will give proper attention to. I have no doubt and I submit that if the matter is examined carefully and without any pre-dilection or prejudice there can be but one conclusion to which the House will come and that is the conclusion that the Bill should be passed into law. I shall not detain the House any further with regard to the objection I have last dealt with. But if any example is necessary I can place before the House numerous instances in which substantive provisions have been made and exceptions enacted and by such exceptions the rigor of the substantive law has been modified.—and it is always the case that with regard to those exceptions the onus of proof lies upon the accused person. I refer, for instance, to section 500 of the Indian Penal Code. There is the substantive enactment. There are four explanations given to tighten up the substantive enactment as much as possible. Then ten exceptions are laid down so that matters which ought not to be punished may be excluded from the purview of the Act. I submit that upon all these considerations the House will hold that as a matter of fact. ....

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : May I interrupt the Honourable Member and may I ask him one question ? Will he inform the House whether the Government of India have brought this Bill simply because the Punjab Government wants it or whether the Government of India, as the Government of India, are satisfied as to the necessity of it ?

**The Honourable Sir Manmatha Nath Mukerji** : Both the elements are present. As a matter of fact, the Punjab Government have asked for some measure of this description, and the Government of India, as far as I know, have had materials before them to the effect that similar offences

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are being or are likely to be committed in the immediate future in the other provinces as well. These are the considerations which weighed with the Government of India in putting forward this measure.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : How is the Punjab Government interested in recruiting directly ?

**The Honourable Sir Manmatha Nath Mukerji** : That is not a question for me to answer.

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : Mr. President, I have very carefully listened to the maiden speech delivered by the Honourable the Law Member and the wonderful way in which he took us into the intricacies of the law. The major portion of his speech was directed against the arguments advanced from these Benches by the Honourable Mr. Satyamurti that this is a subject on which the Central Government as well as the Provincial Governments have concurrent jurisdiction. After listening very carefully to the arguments of the Honourable the Law Member, I am sorry to say that I still remain unconvinced and I still maintain that this is a subject which comes under List No. 3, which is a concurrent list. I am not going at any great length in trying to reply to the arguments of the Honourable the Law Member, because I know that far abler persons than myself are here who will be able to meet all his arguments. I shall mention only one thing in passing, and it is this very thing which forces me to the conclusion that the subject-matter of the present Bill falls under the purview of List No. 3. In List No. 1, the first item runs thus :

“ Any law dealing with His Majesty's Naval, Military and Air Forces borne on the Indian establishment and any other armed forces raised in India.”

This law certainly does not deal or purport to deal with His Majesty's Naval, Military and Air Forces. It has nothing to do with the people who come under the purview of the Indian Air Forces Act, or the Indian Army Act, or any other military law which is known to this country. This Bill is of a far-reaching nature inasmuch as it tries to rope in persons who have absolutely nothing to do with military laws and military discipline. It tries to penalise the expression of opinion on the part of the members of the public at large, who have nothing to do with the army. The civil population of this country may not believe that the war which is being pursued by the Government of the country is a just war. Therefore, I contend that this Bill has nothing to do with Item No. 1 of List No. 1 and that it deals with civil population and, therefore, it certainly comes under Item No. 1 of List No. 3, which is the concurrent legislative list.

It has been stated that it was the Punjab Government which moved the Government of India to bring in a law of this nature. It is really surprising to hear this statement, because the Punjab Government has nothing to do with the army, nor has it anything to do with the military affairs. The military affairs are the exclusive concern of the Government of India, and, therefore, to bring in the Punjab Government in support of a measure which is highly unpopular is not. I submit, the right sort of thing to do. After all, the fact remains that the Government of India

are the Government which is primarily responsible for the defence of this country and it is the Government of India which has felt the necessity of bringing in a measure which is of a highly unpopular nature. It is not fair on the part of the Government of India to drag in the Punjab Government or any other Provincial Government. If they were really so very anxious about the opinions of Provincial Governments, may I ask why they did not consult the other Provincial Governments? After all, the recruits for the Indian army do not come entirely from the Punjab. You have to recruit people from the Frontier Province, and you do recruit people from the Bombay Presidency and other parts of India. Why did you not consult the other Provincial Governments? Therefore, I think that it is the Government of India which is mainly concerned with this Bill, they alone will have to shoulder their responsibility. It is a very clever argument and I think that there is much more behind this mention of the Punjab Government. Probably, the idea is to canvass support in this House. I submit this is not a fair method of canvassing support for an unpopular measure like this.

**Maulana Zafar Ali Khan :** Is the Punjab Government much more popular in this House than the other Provincial Governments?

**Mr. Abdul Qaiyum :** I am not holding any brief for the Punjab Government. Anyway, it is much better than the Central Government. The Punjab Government is not so bad as the Government of India is, because here we have a Government which is absolutely irresponsible.

Now, coming to the Statement of Objects and Reasons, we find it stated in so many words :

“ The object of the speakers is clearly not the spread of pacifism, but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged.”

Now, the question is : Is this British Empire really worth fighting for? We are called the members of this British Empire. Has the British Empire done anything for us of which we can really be proud as a people, so that without any incentive, and without any repressive laws of the nature which you bring on the floor of the House, the Indian people may fall in with your notions of war? We know what the British Empire stands for. The British Empire has deprived the Indians of their self-respect, their manhood and their independence. You have made cowards of 35 crores of people, nearly one-third of the human race. What is our position in the British Empire? We are treated worse than outcasts in your Colonies. If an Indian goes abroad to a foreign country, he receives some measure of consideration, and he receives some courtesy and his self-respect is not hurt so much. But as soon as he steps into the British Colonies, say, South Africa, East Africa, Zanzibar or any other British Colony, he finds that Indians are being insulted, they are being treated as if they were not human beings, that the Indians are being segregated and they are looked down upon. I have heard that there are proposals afoot to bring in the Jews who have been expelled from Germany and Austria and to give them lands in the Highlands of Kenya. If this is so, I for one should not be surprised at all. The Indians are absolutely shut out from these Highlands of Kenya because they are the members of this British Empire. Therefore, to say that the British Empire is in danger is not an

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argument which is going to carry any weight with us. I, for one, wish for the day when the British Empire will go to pieces because, I believe, that the British Empire stands for the negation of liberty, for the negation of justice, that it is an engine of oppression, and that it has deprived a very large part of this world of the liberty to which the people inhabiting those parts are entitled. Therefore, I have got absolutely no love for the British Empire and, speaking purely personally for myself, I can confess in this House that I have got feelings of hatred and contempt for this Empire.

Now, coming to the Indian army about which this Bill has been brought. The idea is that there should be a freer flow of recruits for the Indian army. Now, what is this Indian army? I, for one, refuse to believe that it is an Indian army. I think it is an army which is being maintained to bolster up the Imperialist designs of Great Britain in this country, to oppress our people and, as soon as we express any desire to be free in our own country, to crush us, to shoot us and to do all sorts of horrible things. This is the Indian army, and this is my conception of the Indian army as it is and I think it is but fair that this view should be explained to the Members who are seated on the Benches opposite. The Honourable Member from my province (Major Nawab Sir Ahmad Nawaz Khan) is nodding his head in approval. Now, talking of this Indian army, I have reasons to be entirely against it in two capacities. Firstly, as an Indian, I know that this army is responsible for the enslavement of this great country of ours. This is the army which has destroyed the independence of our people in India. Talking as a Mussalman, I know that this is the army which has ruined the Islamic States from the Atlantic right up to the Pacific Ocean. What has happened after the British came into possession of India? They got hold of the immense riches in this country, they began to exploit the man power in this country, and with the Indian army and with the Indian money they began to engage in wars and expeditions against other countries, and invariably the victims of British aggression were the Islamic countries. Afghanistan has always been in great danger from this army. I know that this so-called forward policy on the North-West Frontier is not so much intended for the defence of India, as it is a pistol which the Government are holding against the head of Afghanistan so that the people of Afghanistan should not be able to come into their own. The idea of the Government in bombing the tribes on the Frontier is that if they get hold of them and unnerve them, they will weaken the position of Afghanistan. The Government say that their forward policy on the Frontier is intended purely for defensive purposes in order to save India from these marauding tribes. This is an argument which will carry weight with those who follow the doctrine of the Hindu Mahasabha, but it is not likely to appeal to people who believe in the Indian National Congress and all that the Congress stands for. As a Muslim, can I be a party to any measure which aims at strengthening an army which ruined the Ottoman Empire in Turkey, which is responsible for the present degradation of the Arabs, which is responsible for the bringing in of the Jews into Palestine; which is responsible for the state of dependence into which Iraq has been reduced after promises had been made in the last war that the principle of self-determination would be applied to these people. It is this army which has been responsible for the misfortunes of Egypt which is predominantly a Muslim country. I know something about this army. Whenever it has been sent abroad, it

has been sent mostly to crush the independent Muslim States, and in India also it was used to bring about the downfall of the Mughal Empire. (Interruption.)

I am not going to enter into arguments with my Honourable friend, Maulana Shaukat Ali. He has got certain grievances against the Congress which he is entitled to have. But I may assure the House that when I am making this statement that this army has been responsible for the downfall of the Mughal Empire in India, I am voicing the real sentiments and feelings of the Muslims in India. I know that the Muslims in India generally and the Muslims in my province, the Frontier Province, particularly, have got absolute hatred and contempt for this Government and its army. Our Premier, Dr. Khan Sahib, has been going round the province and telling the people that it is absolutely no use, poor though we are, to enlist ourselves in an army which is an engine of oppression, an army which stands between us and our cherished desire to be free. When I told him that I would like to put some questions in the Assembly as to why the recruitment of Pathans had fallen in numbers in the army, he told me : " We do not want our Pathans to go into the type of army which the Indian army represents. We want these Pathans to stay away from the army ". This is what the Premier of the Frontier Province said.

Now, talking of this Indian army, what is this so-called Indian army. I have stated at the very outset of my speech that this is not the real Indian army. This British Government, while professing lip sympathy with the principle of Indianisation, have taken very good care to see that the pace of Indianisation is as slow as possible. Their late Commander-in-Chief had the effrontery the other day to defame all Indians who had taken up commissions in the Indian Army.

**Mr. C. M. G. Ogilvie :** No.

**Mr. Abdul Qaiyum :** It is a matter of regret to me that the Government of India seem to share the views of Sir Philip Chetwode in this matter.

**Mr. C. M. G. Ogilvie :** No.

**Mr. Abdul Qaiyum :** I know something of this matter. I know something about this Indian army. I know the treatment which is being meted out to Indian officers who are in the army. By racial segregation, you make the life of every Indian commissioned officer a veritable hell. You make his life impossible with the result that he is forced to resign and leave the army. In the end you go out and say that Indians are not fit to hold commissions in the army. I assure the House that this is a conspiracy to defame the Indian commissioned officers of the army so that when occasion arises to review the pace of Indianisation it should be possible to say that Indians are unfit to hold commissions. It is really surprising that in this great country of ours which is inhabited by 35 crores of people officers cannot be found in sufficient numbers to hold positions of command in the Indian army. Leave aside the other parts of this country, if this Government were honest enough, they can find sufficient number of officers from one tiny province, the North-West Frontier Province. If you are really in earnest about Indianisation I assure you that we alone can give you as many officers as you really want for your army. If you do not believe in their efficiency, then I can challenge you that after you have

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given them some training, put them face to face with an equal number of British officers equally well armed and you would yourself see whether they are more efficient or the British. The British Government are fighting the battles in this country through these Indian commissioned officers. The British officers themselves are having a good time. You send the Indian army to Waziristan, where people from any Province are fighting against people with whom they share a common language, a common religion and a common race. While the Indian army is fighting its battles there, all the rewards go to the British officers. After so many years of all this tall talk of Indianisation, I should like to know from the Honourable the Defence Secretary why is it that not a single Indian has been taken into the Gilgit, Tochi or the Waziristan scouts or in the Zhob Militia? Is it not a fact that officers who go to these various scouts get real training in warfare? Is it also not a fact that the British officers who get into debts and who cannot pay off their debts are posted to Zhob militia or Waziristan scouts because their pay and allowances there are three times as much as the average army officer gets in this country. So far, you have followed the policy of exclusion. You have not admitted a single Indian into these battalions because you do not trust them. After all is said and done the fact remains that the British do not really want to Indianise the army. They are actuated by feelings of mistrust of our people. I do not blame them, because we really do not like them. We do not want them to remain in this country for a single day. For goodness sake let us not talk of Indianisation. Let them give up all this hypocrisy.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Rural) : Why do you allow them to stay in this country?

**Mr. Abdul Qaiyum** : You start, and I will follow.

**Maulana Shaukat Ali** : Why don't you start?

**Mr. Abdul Qaiyum** : The Honourable Member is always voting with the Government. Whenever an occasion arises, he always walks into the Government lobby. On the adjournment motion regarding the appointment of a European as Insurance Superintendent, he did not have the slightest hesitation to walk into the Britisher's lobby. It was through his vote that we lost a very important adjournment motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member will proceed with his speech without referring to personalities.

**Mr. Abdul Qaiyum** : My Honourable friend, Maulana Shaukat Ali, may be asked to keep quiet and not to disturb my speech.

I know it has been stated from many platforms in my province. ....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better proceed with his speech. He had better not discuss any individual Member.

**Mr. Abdul Qaiyum** : It has been stated from several platforms in my province that the Mussalmans should not join the Congress, because the Congress really does not want the British to go away. Let us ask the British whether the Congress wants them to go away or any other organisation in this country.



Now, Sir, coming again to this Bill, if Maulana Shaukat Ali will permit me to proceed.....

**Maulana Shaukat Ali :** Why is the Honourable Member unnecessarily bringing in my name ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should go on with his speech.

**Mr. S. Satyamurti :** Sir, on a point of order, I submit that this morning Maulana Zafar Ali Khan delivered a long speech the burden of which was that the Congress and Government are one and that they (i.e., the Muslim League) were the only Independent people in this House, etc., I submit that that requires an answer.

**Mr. President** (The Honourable Sir Abdur Rahim) : If allegations were made against any one, they can be answered, but a general discussion of the Congress or other parties would not be relevant.

**Mr. Abdul Qaiyum :** It is a well-known fact, Sir, and Government are well aware of it that war is imminent ; and the reason why this Government are so anxious to increase the pace of recruitment in this country is also very obvious. They have grabbed all the possible countries of this world that they could lay their hands on, and now they are out to defend their ill-gotten gains with the blood and money of our people. That is their object. And they have the effrontery to say that when and if they join in any war they will not consult us ; as if we who inhabit this country and provide them with money and men for continuing this war do not at all matter. They will not even consult us before they join in a war, and they will not even say which particular country they are going to fight. It is really a very amazing proposition advanced by the Honourable the Defence Secretary. What it comes to is this. The Defence Secretary in this year of grace 1938 is forcing us by means of this repressive law and at the point of the bayonet to provide recruits for him so that he may carry on his Imperialistic wars in any part of the world he likes. We are not even to be asked what our views are about such a war. If it is going to be a war purely for the defence of our country I can assure Mr. Ogilvie that whether he brings in this Bill or not, and whether he agrees to stay in this country or leaves it, there will be a large number of patriotic men and women in this country who would be willing to shed the last drop of their blood for the defence of their country. He is trying to force us at the point of the bayonet to indulge in a war against some other country. I may tell the Defence Secretary that if India had the power to decide which country to fight against the Indians would not take more than a second to decide the question. I know that if my people had the power to declare war the first country that they would go for would be Imperialist Britain. After all you must thank Mahatma Gandhi for his doctrine of non-violence ; you must thank the saint of Sabarmati that he has been preaching the gospel of non-violence on the turbulent frontiers. But for Mahatma Gandhi, I can assure the Defence Secretary, weak as we are and disarmed as we are, we would have given a very good account of ourselves even against your mechanised battalions. I can assure the Defence Secretary that this Bill is not going to carry out the purpose which he has in view. Do you think you can frighten us into submission by bringing in this small Bill of two clauses wherein you say that if anybody has the courage to announce what he really believes in, and

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if anybody goes to a public platform and states what is an article of faith with him namely, that the war which you are waging is unjust and unrighteous and that it is a war of aggrandisement and oppression, you are going to clap him into prison for two years? If you are to judge the provisions of this Bill on its merits then from the very first word to the last, this Bill is rotten to the very core. My Honourable friend, Maulana Zafar Ali Khan, who is always telling me that we should try to get rid of the oppressors in this country really advanced a remarkable proposition today in the course of his speech. I expected Maulana Zafar Ali Khan to line up with me in throwing out this measure which is a most mischievous and dangerous measure. But I was surprised that Maulana Zafar Ali Khan did not say anything about the merits of this Bill. He did not realise the implications of this Bill. He easily forgot that the army which we are creating and trying to raise in this country may be used against the people for whom he and I profess the greatest possible love in this world,—the Arabs, the Turks, the Persians and the Afghans.

**Maulana Zafar Ali Khan :** I do not believe in non-violence as an article of Faith.

**Mr. Abdul Qaiyum :** I can quite believe that Maulana Zafar Ali does not believe in non-violence. I can quite believe that had he carefully read this Bill, he would certainly line up with us in throwing out this very obnoxious measure. But I was surprised that in the course of his speech he threw out a suggestion that the Bill, bad as it is, requires modification and that its application should be left to the provinces. I submit that this is a very strange proposition. The Government are very anxious to apply this Bill in the Punjab. Our object, and I think the object of Maulana Zafar Ali Khan, is that such a Bill should not be placed on the Statute-book. We want to put off the evil day as far as we can. Are we really going to put off this evil day by passing this Bill and leaving it to the Provincial Governments to apply it when and where they like? Constituted as it is at present I think the Punjab Government will be only too glad to apply such a law.

**Sir Muhammad Yamin Khan :** Sir, is the Honourable Member in order in casting any reflection on the Provincial Governments?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should be careful not to cast any aspersions on any Provincial Government.

**Mr. Abdul Qaiyum :** I had no idea of casting any aspersions on the Punjab Government. The Punjab Government is a Government which has a big majority behind it and I have really nothing to say against it. I have far more respect for the Punjab Government than for the Government which is sitting in front of me here. Even though I violently disagree with the views of the Punjab Government, even though according to me it is a reactionary Government, even though it represents....

**Mr. President** (The Honourable Sir Abdur Rahim) : I must ask the Honourable Member not to make these reflections on the Punjab Government.

**Mr. Abdul Qaiyum :** In spite of all these, Sir, I have great respect for it, far greater than I have for the Government here. Now, Sir, I am really surprised how my Honourable friend, Maulana Zafar Ali Khan, is going to carry out his object of throwing out this nefarious Bill. Does Maulana Zafar Ali Khan really think that if power is to be left to the Provincial Governments this Bill will not come into force ? Is he really satisfied that there are no Governments in at least some of the provinces in India which would be only too willing to apply such a measure and carry out the behests of an irresponsible Government at the Centre ?

**An Honourable Member :** What about the Frontier Province ?

**Mr. Abdul Qaiyum :** As far as the Frontier Province is concerned, I will say something for the satisfaction of the House.  
 5 P.M. I had great pleasure in reading this morning in the papers that a provincial conference was held at Abbottabad which was attended by all the Ministers of the Frontier Government, including Khan Abdul Ghaffar Khan, and a resolution was passed that if and when Great Britain engages in any war the people of the Frontier and of this country will have nothing to do with it. That represents the spirit of 2½ millions of people whom I have the honour to represent in this House. That represents the spirit of the people of whom I have great pleasure in stating, 95 per cent. are Mussalmans ; and those Mussalmans are really wide awake. They have understood the policy of British imperialism they have seen your forward policy at work ; they have seen your bombing of innocent tribesmen ; they have seen your methods whereby you stifle all discussion of frontier problems in this House. Last year, there were questions put on the floor of the House by my Honourable friend, Mr. Satya-murti, asking whether there had been any bombing on the frontier, and, if so, how many bombs were dropped. We saw the Honourable Mr. Ogilvie getting up and stating that there had been bombing on the frontier on many occasions, and that 7,000 bombs in all had been dropped up to a particular date. But only the other day when I repeated that question whether there was any bombing since the 1st January, and if so, what was the number of bombs which had been dropped on the tribal areas, the Governor General came in with his special powers and said that these questions could not be allowed.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 17th August, 1938.



## LEGISLATIVE ASSEMBLY.

*Wednesday, 17th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### INDIAN TRANS-CONTINENTAL AIRWAYS, LIMITED.

266. \***Mr. Govind V. Deshmukh** : (a) Will the Honourable Member for Communications please state if the Government of India expressed in 1929 a wish to have not less than 75 per cent. of the voting rights to give it the control desired over the Indian Trans-continental Airways, Limited, and if they have got them ? If not, why not ? How is this desired control to be secured now ?

(b) Is the control, direction and the management of the Indian Trans-Continental Airways, Limited, in the hands of Government ? If so, in what way ?

(c) What is the percentage of Indian share-holders in the Indian Trans-continental Airways and its components Imperial Airways and Indian National Airways, Limited ?

(d) Did Government enter into a new agreement with the Imperial Airways, Limited, before the old one expired ? If so, why ? What are the terms, if any, to secure control of Government over it ?

**The Honourable Mr. A. G. Clow** : (a) I would refer the Honourable Member to the reply I gave to part (b) of Mr. Satyamurti's question No. 32 on the 8th instant.

(b) No, Sir. Government are shareholders and are represented on the Board of Directors.

(c) I have no information as to the number of Indian shareholders in Imperial Airways, the shares of which are obtainable in the open market. 87.5 per cent. of the shares of Indian National Airways are at present held by Indians. The respective holdings of the two companies and of Government in the capital are 51 per cent., 25 per cent. and 24 per cent.

(d) I would refer the Honourable Member to the replies I gave to parts (a) to (f) of Seth Govind Das's starred question No. 151 on the 12th instant.

**Mr. Govind V. Deshmukh :** May I take it that the control, direction and management are not with the Government ?

**The Honourable Mr. A. G. Clow :** I would refer my Honourable friend to the answer I gave to part (b) of the question.

**Mr. T. S. Avinashilingam Chettiar :** May I know, Sir, what is the percentage of shares which Government hold in this company ?

**The Honourable Mr. A. G. Clow :** 24 per cent. I said that at the end of part (c) of my answer.

**Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member kindly read that portion, as I could not catch it ?

**The Honourable Mr. A. G. Clow :** The respective holdings of the two companies and of Government in the capital are 51 per cent., 25 per cent. and 24 per cent.

**Mr. Govind V. Deshmukh :** May I know, Sir, why this control was not secured when the Government wished to have it ?

**The Honourable Mr. A. G. Clow :** Because it was not a practical proposition.

**Mr. M. Ananthasayanam Ayyangar :** May I know, Sir, how many Directors represent the Government of India, and what is the total number of Directors ?

**The Honourable Mr. A. G. Clow :** There is at present one Government Director, the actual number of Directors, speaking from memory, is seven or nine.

**Mr. M. Ananthasayanam Ayyangar :** May I know, Sir, if there is no registered office of the Company in India ?

**The Honourable Mr. A. G. Clow :** I cannot answer that without notice

**Mr. M. Ananthasayanam Ayyangar :** There ought to be a registered office. Is it very difficult for the Government to get this information as to how many shares are held by Indian shareholders ?

**The Honourable Mr. A. G. Clow :** I have given the number of Indian shareholders in the Indian National Airways ; but it is not easy to get it in the Imperial Airways, which is a company not registered in India.

**Mr. Manu Subedar :** May I know, Sir, if there is anything in the terms of the contract or licence given to these people by which Government can interfere or make suggestions when any activities of this company are not in accord with Government's ideas of public interests ?

**The Honourable Mr. A. G. Clow :** I am afraid that is far too general for me to answer.

**Mr. Manu Subedar :** Sir, I want to know whether there is anything in the terms of the licence or contract given to these people which will enable the Government to intervene any time during the pendency of these 15 years' contract if the company does something which Government feel is against public interest ?

**The Honourable Mr. A. G. Clow :** There is a Government Director on the Board. As I have stated in (b) Government are shareholders, but Government have not got direct control over the company.

**Mr. Manu Subedar :** Have they any indirect control over the company ?

**The Honourable Mr. A. G. Clow :** Government have no control over the company.

**Mr. T. S. Avinashilingam Chettiar :** In view of the fact that the Government hold a large number of shares, may I know if they have imposed any condition that they should employ as far as possible Indians only and also train them wherever they are available ?

**The Honourable Mr. A. G. Clow :** Not, so far as I am aware, but I cannot give particulars without notice.

**Mr. K. Santhanam :** What is the principal place of business of this Indian Trans-Continental Airways Co., Ltd., in India ?

**The Honourable Mr. A. G. Clow :** I think it is Delhi, but I am not certain.

**Mr. N. M. Joshi :** May I know, Sir, if the Government Director has any special powers or he is only an ordinary Director like others ?

**The Honourable Mr. A. G. Clow :** He is an ordinary Director.

#### EXTRA-DEPARTMENTAL OFFICERS APPOINTED BY THE POSTAL DEPARTMENT.

267. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will the Honourable the Communications Member state the number of extra departmental officers appointed by the Postal Department throughout India ?

(b) How many of them are practically doing the work of full-time officers as judged by their hours of work ?

(c) What is their remuneration ?

(d) What is the maximum number of years of service they can put in ?

**The Honourable Mr. A. G. Clow :** (a) The total number of extra-departmental employees of all categories in the Posts and Telegraphs Department was about 28,200 in July last.

(b) Generally speaking, extra-departmental agents are employed when the amount of work involved does not justify the employment of a whole-time official. No information is available of the actual number of hours of work performed by them.

(c) The remuneration, which depends upon the amount and nature of the work done, varies from about Rs. 5 per mensem in the case of extra-departmental chowkidars and similar classes of employees, to Rs. 30, and in special cases Rs. 40 per mensem, in the case of extra-departmental sub-postmasters.

(d) There is no maximum prescribed.

**Mr. T. S. Avinashilingam Chettiar :** May I know, Sir, in what class of work are these extra-departmental officers employed ?

**The Honourable Mr. A. G. Clow :** In postal work.

**Mr. T. S. Avinashilingam Chettiar :** The Honourable Member mentioned two chowkidars as well as postmasters, are these extra-departmental officers used in any other capacity ?

**The Honourable Mr. A. G. Clow :** There are delivery agents as well.

**Mr. T. S. Avinashilingam Chettiar :** May I know, Sir, how their pay is governed or how their pay and promotions are fixed ?

**The Honourable Mr. A. G. Clow :** I would refer my Honourable friend to my answer to part (c) of the question.

**Mr. N. M. Joshi :** May I know, Sir, whether among these extra-departmental agents there are a large number of pensioners of the postal department causing unemployment among the younger generation ?

**The Honourable Mr. A. G. Clow :** I am willing to believe that there are a certain number of *ex-postal* employés.

**Mr. N. M. Joshi :** May I know whether the Government of India will reconsider their position and remove these pensioners from their posts so that younger men might get jobs ?

**The Honourable Mr. A. G. Clow :** No, Sir, I don't think it can be done ; in many cases they are very suitable for the work.

**Mr. K. Ahmed :** Are the Government of India aware that there are a large number of sub or branch post offices in rural areas where, when letters are posted with stamps on them are either stolen or the letters never reach their addressees and none of the postal officials or even the Director General of Post Offices here cares to look into this matter ? May I hope the Honourable Member in charge will look into this matter and appoint very soon some officers and peons, whether from extra departmental men or from somewhere else, to look into the matter, so that the poor village people in this country, who spend an anna over every letter, may have the satisfaction of knowing that the letter they have posted has reached the addressee ? It is really a shameful commercial business, Sir, that is going on in the department of my Honourable friend, and the poor people of this country are the worst sufferers ?

(No reply.)

**Mr. T. S. Avinashilingam Chettiar :** In answer to part (c) of the question, the Honourable Member stated that their remuneration varies from about Rs. 5 per mensem to about Rs. 30, may I know, Sir, how their pay is regulated, is it according to their seniority or according to the nature of the work ?

**The Honourable Mr. A. G. Clow :** If I used the word ' pay ', I was not speaking correctly,—it is an allowance for part time employment. It is regulated naturally according to the nature of the responsibility,—it is not a question of length of service.

**Mr. K. Santhanam :** Are any special facilities offered to these extra-departmental postmasters to enter the regular postal service ?

**The Honourable Mr. A. G. Clow :** No, Sir.



**Mr. K. Santhanam :** May I know, Sir, if the Government will consider the desirability of providing special facilities to those bright young men who work as extra-departmental postmasters ?

**The Honourable Mr. A. G. Clow :** These are not bright young men ; they are normally men who are beyond the ages of recruitment to the postal service.

**Mr. K. Santhanam :** Am I to understand that there are no young men at all in these extra-departmental offices ?

**The Honourable Mr. A. G. Clow :** I cannot say there are none, but they are normally people who have retired from the postal service, or people who undertake other work like school masters, station masters and jobs of that kind.

**Mr. K. Santhanam :** If there are such bright young men, will Government provide them special facilities ?

**The Honourable Mr. A. G. Clow :** I don't see why they should get special facilities over other young men who may be more capable.

**Mr. T. S. Avinashilingam Chettiar :** Considering the fact that the minimum pay offered to these extra-departmental men is too low, will Government consider the desirability of increasing the minimum salary ?

**The Honourable Mr. A. G. Clow :** No, Sir.

**Mr. Lalchand Navalrai :** May I know, Sir, if these extra-departmental officers....

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

WORK DONE BY THE MADRAS-BEZWADA RAILWAY, MAIL SERVICE SECTION.

268. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Communications Member state :

- (a) whether they have received statistics of the work done by the Madras-Bezwada Railway, Mail Service Section ;
- (b) whether they are heavily worked ; and
- (c) whether they received representations that extra hands are necessary to do the extra work, and if so, with what effect ?

**The Honourable Mr. A. G. Clow :** (a) No.

(b) Government have no information.

(c) The reply to the first part is in the negative. The second part does not arise.

**USE OF INDIAN MATERIALS FOR THE CONSTRUCTION AND REPAIRS OF  
AEROPLANES IN INDIA.**

269. **\*Mr. Lalchand Navalrai :** (a) With reference to the reply given to the supplementary question under starred question No. 1119, asked on the 31st March, 1938, will the Honourable Member for Communications be pleased to explain the reason for his statement that an investigation for finding out whether Indian materials can be used for constructing aeroplanes in India would be entirely useless ?

(b) Will the Honourable Member be pleased to state if there are materials available or likely to be available in India for construction and repairs of aeroplanes ?

(c) How many aeroplanes have actually been made in India and have any Indian materials been used for their construction or repair ?

(d) What steps do Government propose to take for construction and repair of aeroplanes in India and to find out Indian materials for their use ?

**The Honourable Mr. A. G. Clow :** (a) and (b). No general investigation into the possible use of Indian components in aircraft construction is likely to be of value because, although some of the raw materials from which the manufactured articles are made are found and produced in India, the very complicated processing required for practically all materials used in aircraft construction cannot at present be carried out in India. I might add that even so far as the basic raw materials are concerned, an inquiry into the suitability of Indian timbers for the purpose of aircraft construction and repairs which is in progress, is not giving promising results so far.

(c) No aeroplanes have been constructed in India, but a small number of aeroplanes has been assembled or rebuilt in India from imported manufactured parts. No Indian materials have been used because the processing of raw materials is not carried out in India, and no material may be used in the construction of an aeroplane unless it complies with approved specifications.

(d) The Honourable Member is referred to the reply given to part (c) of starred question No. 131 by Mr. Satyamurti on the 5th September, 1935.

**Mr. Lalchand Navalrai :** May I know if any such material as is available here is being used or is usable or not ?

**The Honourable Mr. A. G. Clow :** I have explained that there are materials which can be used. They are not being used at present.

**Mr. Lalchand Navalrai :** Why are they not being used ?

**The Honourable Mr. A. G. Clow :** Because it is a completely uneconomical proposition in a number of cases.

**Mr. Lalchand Navalrai :** That proposition will remain for ever. The point is why a beginning should not be made ?

**The Honourable Mr. A. G. Clow :** There would be no point in using a material that costs twice as much as an imported material merely to use the local material.

**Mr. Lalchand Navalrai :** May I know if any attempt has been made to train engineers for the purpose of doing repairs and for the purpose of making these aeroplanes ?

**The Honourable Mr. A. G. Clow :** I submit that hardly arises out of this question which relates to materials.

**Mr. S. Satyamurti :** With reference to the answer to clause (a) of the question, I think I heard my Honourable friend say that no investigation is likely to be of value.....

**The Honourable Mr. A. G. Clow :** I said, no general investigation.

**Mr. S. Satyamurti :** May I know how the Government have come to the conclusion that no general investigation with regard to the possibility of using Indian materials for constructing aeroplanes will be of any value, in view of the fact that India should be self-sufficient in a matter of this kind, if possible ?

**The Honourable Mr. A. G. Clow :** I am afraid I cannot accept the conclusion of the Honourable Member. Self-sufficiency irrespective of cost is not, I suggest, the ideal which we should aim at.

**Mr. S. Satyamurti :** May I ask the materials on which the Government have come to the conclusion that investigations will not show that, even from the point of view of my Honourable friend, namely, that it should be economic before we can become self-sufficient—that that should not be examined ?

**The Honourable Mr. A. G. Clow :** I did not say that no investigation of any kind was necessary : I said no general investigation. As a matter of fact, I have mentioned in my answer that an enquiry into the possible use of Indian timbers is in progress.

**Mr. S. Satyamurti :** Have Government come to a conclusion that no investigation into any other materials is likely to be of any value except timber ?

**The Honourable Mr. A. G. Clow :** I am not aware of any other promising line at present, and even that is not very promising.

**Mr. S. Satyamurti :** How have Government come to that conclusion ? Have they consulted any experts, or have they put on special duty anybody to collect materials, before they came to the conclusion that the investigation will not yield any value ?

**The Honourable Mr. A. G. Clow :** They have not put anybody on special duty to conduct an investigation of this kind. A general review of the situation leads them to this conclusion.

**Mr. Manu Subedar :** May I know if Government have looked into the question of the manufacture of aluminium in this country, which is a substantial raw material for aeroplanes ?

**The Honourable Mr. A. G. Clow :** No : I could not answer that without notice.

**Mr. Manu Subedar :** When the Honourable Member said that some of the Indian materials cost twice as much as the imported material, will he kindly let us know what those materials are which cost twice as much as the local material ?

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**The Honourable Mr. A. G. Clow :** I said nothing of that kind. I said in reply to my Honourable friend, Mr. Lalchand Navalrai, that if a thing costs twice as much as an imported material there would not be sufficient ground for using it merely because it was an Indian material.

**Mr. Manu Subedar :** May I enquire from the Honourable Member whether the aluminium castings made in India are not much cheaper and very much better than the imported articles ?

**The Honourable Mr. A. G. Clow :** I am willing to take it from the Honourable Member. I have no information on the point.

**Mr. M. Ananthasayanam Ayyangar :** Will Government start an investigation into this matter to find out whether aluminium is not really cheaper and if the other materials are not available with a view to start an aeroplane industry as early as possible ?

**The Honourable Mr. A. G. Clow :** That is practically the same question which my Honourable friend, Mr. Lalchand Navalrai, put and I have given an answer.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### APPOINTMENT OF AN ASSISTANT CONTROLLER FOR BROADCASTING.

270. **\*Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Communications state if an Assistant Controller for Broadcasting in India has been appointed ? If so, is he an Indian, and what are his qualifications ?

(b) Where is he posted, and do Government propose to place him in Bombay to be directly in touch with the functions of the Bombay Broadcasting ? If not, why not ?

**The Honourable Mr. A. G. Clow :** (a) No post of Assistant Controller has been created, but an Administrative Officer has been appointed. He is an Indian with Secretariat experience.

(b) He is posted at Delhi. His duties are to assist the Controller of Broadcasting in the administration of his Department, and as the headquarters of that Department are at Delhi, the question of posting him at Bombay does not arise.

**Mr. Lalchand Navalrai :** May I know the difference between a ministerial officer and an Assistant Controller ?

**The Honourable Mr. A. G. Clow :** There is no Assistant Controller.

**Mr. Lalchand Navalrai :** Is there any difference between the duties of an Assistant Controller and those of a ministerial officer ? Are the duties the same ?

**The Honourable Mr. A. G. Clow :** I cannot explain what the difference in duties is between a post which exists and a post which does not exist.

**Mr. Lalchand Navalrai :** May I know if this gentleman has been taken from the department or has he been recruited directly ?

**The Honourable Mr. A. G. Clow :** No. He has had long Secretariat experience.

**Mr. Manu Subedar :** Have Government considered the advisability of putting an I. C. S. man at some place in the control of this department ?

**The Honourable Mr. A. G. Clow :** This officer is not an I. C. S. officer.

**Dr. Sir Ziauddin Ahmad :** Why not a Member of the Legislative Assembly ?

**Mr. President** (The Honourable Mr. Abdur Rahim) : Next question.

#### CONTRACT OF THE NORTH WESTERN RAILWAY WITH MESSRS. WHEELER AND COMPANY.

271. **\*Mr. Lalchand Navalrai :** (a) With reference to the supplementaries to starred question No. 1031, dated the 28th March, 1938, and starred question No. 522, asked on the 19th September, 1935, will the Honourable Member for Communications and Railways please state whether the contract given to Messrs. A. H. Wheeler and Company has terminated on the North Western Railway ? If not, when is it to end ?

(b) Has any fresh contract been given to the above company on the North Western Railway since the 19th September, 1935 ? If so, on what terms and for what period ?

(c) Have Government received any definite information from Agents of State-managed Railways, since the above date, that the aforesaid company does not charge more than is chargeable on books sold by companies dealing with similar business in large towns ?

(d) Did the Railway Administrations inform Government that they had made enquiries to satisfy themselves that the aforesaid company does not charge over and above the prices charged by similar firms in large cities ?

(e) Have the Railway Administrations, since 1935, at any time, asked the aforesaid company to reduce the price and sell books at market rates of the cities in which the aforesaid company is doing its business ?

**The Honourable Mr. A. G. Clow :** (a) and (b). The contract was given for a period of five years from the 1st July, 1930, and was renewable for a further period of five years. The contract was renewed for the second period from 1st July, 1935, on the same terms and conditions.

(c), (d) and (e). The question of the prices charged by Messrs. Wheeler and Co., was examined by Government in 1936 when it was found, after a reference to the General Managers of certain railways that, taken as a whole, the prices charged did not compare unfavourably with those charged by other important booksellers in large cities.

Government did not, however, consider that it would be reasonable to insist on Messrs. Wheeler's prices being in all cases the same as those of other booksellers, as :

- (i) the contractors have to maintain a number of unprofitable bookstalls at several stations ;
- (ii) the contractors have to depend on casual sales, and fluctuations in the number of passengers travelling affect such sales considerably, making it difficult to estimate the number of publications required at each bookstall. This results in their usually having an appreciable number left on their hands ;
- (iii) a large percentage of their books are damaged by exposure and handling on bookstalls.

The contractors, however, agreed to reduce the price of two Magazines from Re. 1-2-0 to Re. 1-0-0 and of shilling novels from Re. 1-0-0 to Re. 0-14-0.

**Mr. Lalchand Navalrai :** May I know since when Messrs. Wheeler and Co. had been getting this contract ? Is there no other contractor who can take their place ?

**The Honourable Mr. A. G. Clow :** I do not know how long they have been having this contract. I think they have had it for a considerable time.

**Mr. Lalchand Navalrai :** May I know if tenders were called or in what way the contract is being given ? Why should a monopoly be given to them ?

**The Honourable Mr. A. G. Clow :** I understand that they have been there for a considerable time and have given on the whole satisfactory service.

**Mr. Lalchand Navalrai :** Because they have given satisfaction, may I know if others will not give satisfaction, and they should not be called.....

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member is arguing.

**Mr. Lalchand Navalrai :** I should like to know why others are not being called....

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has given an answer.

**Mr. S. Satyamurti :** May I know the business principles on which the railways are supposed to be run where they agree to give a contract of this kind to one firm on a monopolistic basis, and refuse to invite tenders for the selling of books at railway stations ?

**The Honourable Mr. A. G. Clow :** I think that is a question I should have had notice of.

**Sardar Sant Singh :** What is the value in annas charged per shilling price by Messrs. Wheelers ?

**The Honourable Mr. A. G. Clow :** There is a question on the Order Paper by Mr. Joshi which deals with the matter.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that whereas other important booksellers insist upon getting and obtain only 25 per cent. commission from the book publishers, Messrs. Wheeler and Co., insist upon getting and obtain 40 per cent. commission and, therefore, it is unreasonable for them to continue to charge higher rates than are charged by other accepted booksellers ?

**The Honourable Mr. A. G. Clow :** I am not prepared to accept the Honourable Member's premise. If he will direct me to the booksellers who sell exactly at the rupee equivalent of sterling prices I should be glad to patronise them.

**Mr. M. Ananthasayanam Ayyangar :** May we know if any amount of money is paid as consideration for letting this contract to Wheeler and Co. ?

**The Honourable Mr. A. G. Clow :** I cannot say.

#### APPLICATION OF HOURS OF WORK CONVENTION TO RAILWAYS.

272. **\*Mr. N. M. Joshi :** Will the Honourable Member for Railways be pleased to state :

- (a) to which Railways in India the hours of work convention (International Labour Office) is not yet made applicable ;
- (b) when it will be applied to these railways ; and
- (c) if they do not propose to apply the convention to all railways immediately, why ?

**The Honourable Mr. A. G. Clow :** (a) to (c). The Hours of Employment Regulations, which provide for the regulation of hours of work under the Washington (Hours of Work) Convention, have, so far, been given statutory effect on the North Western, East Indian, Eastern Bengal, Great Indian Peninsula, Bombay, Baroda and Central India, Madras and Southern Mahratta and Bengal and North Western Railways. The question of extending these Regulations to other principal railways is at present under consideration.

**Dr. Sir Ziauddin Ahmad :** Does this Convention apply to assistant station masters also ?

**The Honourable Mr. A. G. Clow :** I think it does, unless they are exempted under the provisions of the Convention itself.

**Dr. Sir Ziauddin Ahmad :** In a large number of stations, there are only two station masters and each of them works for 12 hours a day, 30 days in the month and 365 days in the year ?

**The Honourable Mr. A. G. Clow :** Unless the work is intermittent, there are generally three.

**Prof. N. G. Ranga :** What are the difficulties in extending this Convention to the other railways ?

**The Honourable Mr. A. G. Clow :** Financial difficulties.

**Prof. N. G. Ranga :** How long do the Government propose to take before they can extend this Convention to the other railways.

**The Honourable Mr. A. G. Clow :** It is being done gradually. I cannot mention a final period.

**Qazi Muhammad Ahmad Kazmi :** Has this been extended to the Shahdara-Saharanpur Railway ?

**The Honourable Mr. A. G. Clow :** I am not sure whether this question in relation to the light railways has been fully considered.

**Qazi Muhammad Ahmad Kazmi :** What is the reason for not extending this Convention to this railway ?

**The Honourable Mr. A. G. Clow :** I said I was not sure whether this matter has been considered or not. It certainly is a matter worth looking into.

**RATES FOR BOOKS CHARGED BY MESSRS. WHEELER AND COMPANY AT RAILWAY BOOKSTALLS.**

273. **\*Mr. N. M. Joshi :** Will the Honourable Member for Railways be pleased to state :

- (a) the rate of exchange in Indian currency per shilling charged by Messrs. Wheeler and Company for books sold at bookstalls on Indian Railways ;
- (b) whether the rate is higher than the ordinary rate of exchange between the British and Indian currencies ; and
- (c) if so, what steps Government are taking to compel Messrs. Wheeler and Company to charge reasonable rates ?

**The Honourable Mr. A. G. Clow :** (a) I presume that the Honourable Member wishes to know how the rupee price compares with the sterling price of books imported from England. If so, the answer is that the ratio varies with the price of the book. For some of the more expensive publications, it is only a little over 12 annas per shilling, whereas shilling novels are sold at 14 annas.

(b) Books are not normally sold at the rupee equivalent of the English price.

(c) I would refer the Honourable Member to the reply I have just given to Mr. Lalchand Navalrai's question No. 271.

**Mr. N. M. Joshi :** In view of the fact that the lowest price charged for a shilling by Wheeler and Co. is 14 annas and in view of the fact that many of us purchase our books in Bombay at 10 annas a shilling, will the Government of India appoint a committee of this House to consider this question instead of leaving it to their officers to say that the books cannot be available cheaper ?

**The Honourable Mr. A. G. Clow :** This is a request for action rather than a request for information.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member, when the contract is given to Wheeler and Co. whether the exchange rate is fixed or it is left to them to do as they like ?



**The Honourable Mr. A. G. Clow :** I have explained that the ratio varies with the price of the book but Government have on certain occasions made arrangements with Wheeler and Co. to reduce the price.

**Mr. N. M. Joshi :** In view of the fact that the conclusions arrived at by the Government are obviously shady, will the Government of India make an investigation into this question ?

**The Honourable Mr. A. G. Clow :** I must object to that insinuation.

**Prof. N. G. Ranga :** Are the Government aware that no bookshop in Simla and no bookshop in Delhi charges more than 12 annas whereas Wheeler and Co. charge 14 annas.

**The Honourable Mr. A. G. Clow :** I am not aware of the statement contained in the first part of the question. On some occasions I have been charged more than 12 annas.

#### IMPROVEMENTS IN THE RULES FOR ISSUING FREE PASSES FOR RAILWAY EMPLOYEES.

274. **\*Mr. N. M. Joshi :** Will the Honourable Member for Railways be pleased to state :

(a) whether he has come to some decision regarding improvements in the rules for issuing free passes for railway employees ; and

(b) if so, what the improvements are ?

**The Honourable Mr. A. G. Clow :** (a) No.

(b) Does not arise.

**Mr. Lalchand Navalrai :** This question of passes has been hanging fire for a long time and promises have been made that a decision will be arrived at. Does the Honourable Member know that subordinates in the Railway Department all over are very impatient over this question ? Will the Honourable Member give a decision soon or not ?

**The Honourable Mr. A. G. Clow :** I am aware that the question of the revision has been pending since about the last Session. I am not aware that it has been pending before that. It is a matter in which the rules have been revised from time to time. Naturally subordinates of the Railway Department take a very great interest in this subject.

**Mr. Lalchand Navalrai :** This question has been pending for more than two years and the Honourable Member's predecessors have told us that a decision will be reached very soon. Promises have been given in the Central Advisory Board also. Will the Honourable Member take up this question and decide once for all in any way the Government chooses ?

**The Honourable Mr. A. G. Clow :** I do not think it has been pending for over two years. The last revision of the rules was made in January, 1937, and I certainly cannot promise that any conclusion I may reach will be binding once and for all.

**Dr. Sir Ziauddin Ahmad :** A deputation of some Members waited on the Chief Commissioner and the Honourable Member for Railways last year in the Simla Session and requested that the conditions of the passes, as they existed in 1933, should be restored and we were given to understand that an announcement would be made in the Simla Session last year. Why was this announcement delayed ?

**The Honourable Mr. A. G. Clow :** I am quite willing to take it from the Honourable Member that there was a deputation. I had no part in the matter at all but the question is an extraordinarily involved one and it has been very difficult to reach decisions which will do justice both to the revenues and to the persons concerned.

**Mr. Lalchand Navalrai :** When will the Honourable Member take up this question ?

**The Honourable Mr. A. G. Clow :** It is actively under consideration at the moment.

**Mr. K. Santhanam :** What is the estimated value of the passes annually ?

**The Honourable Mr. A. G. Clow :** I could not give the figure without notice.

**Mr. K. Santhanam :** Although I have put several questions on this subject, Government have never taken care to calculate the amount of loss which the Railways incur in giving these passes.

**The Honourable Mr. A. G. Clow :** I am not aware of that.

**Mr. P. R. Damzen :** Will the Honourable Member state why the assurance given to Sir Henry Gidney on the 21st February this year has not resulted in the improvement in the issue of passes to railway employees ?

**The Honourable Mr. A. G. Clow :** I am not aware of the assurance.

**Mr. P. R. Damzen :** The assurance was given by the Honourable Member's predecessor, Sir Thomas Stewart, to Sir Henry Gidney who thereupon withdrew his motion. Will the Honourable Member explain why no action has been taken ?

**The Honourable Mr. A. G. Clow :** The question is being considered.

**Mr. P. R. Damzen :** No conclusions have been arrived at ?

**The Honourable Mr. A. G. Clow :** That is so.

**Mr. S. Satyamurti :** Will Government also consider that the railway revenues are not yet out of the wood, and the railways being a commercial concern, we are concerned with the revenues of the State also ?

**The Honourable Mr. A. G. Clow :** That is an important consideration.

## STANDARDISATION OF CONDITIONS OF SERVICE ON RAILWAYS.

275. \*Mr. N. M. Joshi : Will the Honourable Member for Railways be pleased to state :

- (a) whether the Government of India have given consideration to the question of standardising conditions of service to the extent it is practicable on Indian Railways ; and
- (b) if they have not done so, whether they propose to take up the question for investigation, and action at an early date ?

The Honourable Mr. A. G. Clow : (a) and (b). As regards the State-managed Railways, I would refer the Honourable Member to the reply given to Pandit Krishna Kant Malaviya's starred question No. 973 asked in this House on the 9th October, 1936.

The staff employed on Company-managed Railways are not Government servants.

Mr. N. M. Joshi : May I ask whether the Government of India have not reconsidered that question since 1936 and whether they propose to consider this question.

The Honourable Mr. A. G. Clow : I think the conditions are to a certain extent stabilised. On the State-managed Railways I see no need for further consideration at the moment.

Mr. N. M. Joshi : I am asking for standardisation and not stabilisation.

The Honourable Mr. A. G. Clow : Well, standardisation then.

## INTRODUCTION OF FAIR WAGES CLAUSE IN CONTRACTS ENTERED INTO BY RAILWAYS.

276. \*Mr. N. M. Joshi : Will the Honourable Member for Railways be pleased to state :

- (a) whether he has enquired that the fair wages clause is introduced in all contracts entered into by all State and Company-managed Railways in India ;
- (b) if not, whether he proposes to make such an enquiry ; and
- (c) if so, whether he is prepared to place before the Assembly the result of his enquiry ?

The Honourable Mr. A. G. Clow : (a) Orders have been issued to the State-managed Railways to the effect that contracts for works should stipulate that the contractor shall pay his labourers not less than the wages paid for similar work in the neighbourhood. Company-managed Railways were asked to consider favourably the adoption of this procedure.

(b) No enquiry appears to be necessary.

(c) Does not arise.

Prof. N. G. Ranga : May I know which of the Company-managed Railways have carried out this suggestion ?

**The Honourable Mr. A. G. Clow :** I have not yet got particulars here.

**Mr. T. S. Avinashilingam Chettiar :** May I ask why the Government have not specifically asked for the introduction of a fair wage clause in each contract ?

**The Honourable Mr. A. G. Clow :** A " fair wage " must necessarily take into consideration the conditions prevailing in the neighbourhood.

**Mr. K. Ahmed :** Will Government please define what a " fair wage " is ?

**The Honourable Mr. A. G. Clow :** I am quite unable to define it.

**Mr. K. Ahmed :** Does it not mean that it must provide for the maintenance of the labourer, his wife and two children at least ?

**The Honourable Mr. A. G. Clow :** No, Sir, that is more like a cost of living wage.

**Mr. K. Ahmed :** Is it above or below the cost of living wages ?

**Mr. T. S. Avinashilingam Chettiar :** Do Government expect, in the ordinary course of things, to get information from these Company-managed Railways in regard to the suggestion of the Government of India that they should try and introduce this fair-wage condition ? Will they call for that information ?

**The Honourable Mr. A. G. Clow :** If the Honourable Member will table a question, I shall try to get him an answer.

**Mr. T. S. Avinashilingam Chettiar :** In the absence of a definition as to what is a " fair wage " in each particular contract, which may differ according to the localities, may I ask if it is not the case that, unless that is defined in each contract, this condition may never come into effect ?

**The Honourable Mr. A. G. Clow :** A " fair wage " must differ not merely in space but in time, and to lay down a particular figure and to say that that is a fair wage at all times and in all places would be impossible.

**Mr. T. S. Avinashilingam Chettiar :** Are there any steps taken to define a " fair wage " for each place, in these contracts ?

**The Honourable Mr. A. G. Clow :** That depends on the character of the work also.

CONTRACT FOR " EXPORT SCRAP " ENTERED INTO WITH A JAPANESE FIRM BY THE NORTH WESTERN RAILWAY.

277. \***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Railway Member please state what is meant by ' export scrap ' ?

(b) Is it a fact that the term ' export scrap ' came into vogue when the Japanese started buying waste iron scrap of certain sizes a few years ago ?

(c) Is it a fact that the North Western Railway entered into a contract for a big quantity of this stuff direct with a Japanese firm in Karachi in 1933-34? If so, what was the rate obtained and was the contract *f. o. r.* Karachi? Were loading charges at ten annas per ton received from this firm?

(d) Is it a fact that items for which there was no local market, *i.e.*, which were for less than the rate obtained by the Railway for export scrap and were within the specification of export scrap, *i.e.* less than five feet and not less than a quarter of an inch thick, were included in this contract?

**The Honourable Mr. A. G. Clow :** (a) The term "export scrap" was originally applied on the North Western Railway to unserviceable material of all kinds which was not expected to find a market in India for local use. In this connection, the attention of the Honourable Member is invited to paragraph 3 (3) of the Press Communiqué, dated the 27th May, 1937, a copy of which was placed in the Library of the House as intimated in the information laid on the table of the House on the 23rd August, 1937, in reply to starred questions Nos. 1281, 1286 and 1287 asked on the 15th October, 1936.

(b) Yes, but all items were not described by dimensions.

(c) Yes. The rate was Rs. 20/6/0 per ton for light and Rs. 17/6/0 per ton for heavy material. The contract was *F. O. R.* Karachi and hence no loading charges were leviable.

(d) The Honourable Member's question is not clearly understood. The dimensions he quotes for the specification of export scrap are, so far as they go, approximately correct. It was the general policy to include in export scrap only items which were not expected to find a market in India for local use at a price not less favourable than that obtainable for export scrap, and at the time the contract referred to was entered into, there was no demand locally for this class of material.

**Mr. Manu Subedar :** Are Government satisfied, in connection with this contract, that sizes which were useful for sale in the internal market and which would presumably have fetched higher prices, were not mixed up with the export of the other stuff, and may I ask whether there was no departmental inquiry to that effect?

**The Honourable Mr. A. G. Clow :** There was a departmental inquiry but as far as I remember it established the fact that there were no substantial irregularities.

**Mr. Manu Subedar :** What were the irregularities complained of and what were the irregularities inquired into by the departmental inquiry? Will the report of that be made available?

**The Honourable Mr. A. G. Clow :** I would refer the Honourable Member to the communiqué to which I have already referred, which is a long one and which explains the position.

**Mr. M. Ananthasayanam Ayyangar :** What is the duration of this contract?

**The Honourable Mr. A. G. Clow :** I do not know, but I rather think that the period of this contract has expired.

**Sardar Sant Singh :** May I ask when the Honourable Member says that loading charges were not leviable, whether they were actually levied or not ?

**The Honourable Mr. A. G. Clow :** I presume not.

**Sardar Sant Singh :** Does the Honourable Member know that one firm actually made the payment ? Will the Honourable Member be prepared to refund it to that firm if that were levied ?

**The Honourable Mr. A. G. Clow :** No Sir, not unless there is a good claim established ?

**Sardar Sant Singh :** Will the Honourable Member see if the information that has been supplied to him is correct or not, and does the Honourable Member realise that under the term "leviable" the Department has taken shelter for supplying incorrect information to him ?

**The Honourable Mr. A. G. Clow :** The Honourable Member cannot have it both ways : he cannot say that I have not replied to his question and also that I have supplied incorrect information.

**Sardar Sant Singh :** Will the Honourable Member inquire whether this was actually levied from one firm while it was not from another, with the result of a loss of Rs. 20,000 to the North Western Railway ?

**The Honourable Mr. A. G. Clow :** Is the Honourable Member referring to a case now pending ?

**Sardar Sant Singh :** Probably.

**The Honourable Mr. A. G. Clow :** Then I am not prepared to assist him.

**Sardar Sant Singh :** Will the Honourable Member inquire whether this was actually levied or not ?

**The Honourable Mr. A. G. Clow :** The case is now pending and the matter must rest there.

#### LIABILITY INCURRED BY INDIA UNDER THE TREATY OF YEMEN.

278. **\*Mr. Govind V. Deshmukh :** Will the Foreign Secretary please state :

- (a) if he is aware of the treaty of Yemen to which the United Kingdom and India are parties ;
- (b) if it is a fact that article 5 of this Treaty confers on the British Colonies the same benefits which are conferred on India under the treaty, though they are not parties to it ;
- (c) why India was made a party to this treaty along with the United Kingdom ;
- (d) the value of the import and export trade of South Africa, British Somaliland, Kenya, the United Kingdom and India from and to Yemen ; and
- (e) if India incurs any liability under the treaty ; if so, which and under what circumstances ; and whether British Colonies incur a similar liability ?

**Sir Aubrey Metcalfe :** (a) Yes ;

(b) British Colonies on whose behalf the Treaty has been signed by His Majesty's Government will enjoy the same benefits as are conferred on India ;

(c) India is not a Colony and arrangements were, therefore, made for her to be a separate signatory to the Treaty ;

(d) The information is not available. Trade with Yemen is not separately recorded in the Indian returns nor in those of the other countries mentioned ;

(e) India incurs no liability under the Treaty except that she must under Article V accord most-favoured-nation treatment in the matter of trade and navigation to subjects and vessels of Yemen in return for similar treatment accorded to India in the matter of trade and navigation by the Yemen Government. His Majesty's Colonies, on whose behalf the Treaty has been executed by His Majesty's Government, have incurred a similar liability in return for similar privileges.

**Mr. Govind V. Deshmukh :** Is there any liability contemplated under this treaty of rendering military help in case of need ?

**Sir Aubrey Metcalfe :** Absolutely none ; the treaty does not deal with that subject at all.

**Mr. M. Ananthasayanam Ayyangar :** Is the balance of trade in favour of India or of Yemen ?

**Sir Aubrey Metcalfe :** As I have just explained, there are no trade returns available and I cannot possibly answer that point.

**Mr. K. Santhanam :** May I know if the Dominions also are signatories to this treaty ?

**Sir Aubrey Metcalfe :** I think not, so far as I remember.

**Mr. K. Santhanam :** Were the Government of India consulted when this treaty was entered into ?

**Sir Aubrey Metcalfe :** Certainly.

**Mr. K. Santhanam :** May I know if the Government of India had any representative among the delegates ?

**Sir Aubrey Metcalfe :** There was only one representative.

#### AIR-CONDITIONED CARRIAGES ON RAILWAYS.

279. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

(a) the number of air conditioned carriages introduced, and where they are running and for how long ;

(b) the class of the air-conditioned carriages ; the extra fare charged ;

(c) the cost of air-conditioning a carriage ; the recurring and ventilating costs ;

(d) if the air-conditioned carriages are running full ; and

- (e) the time within which the original cost, with the recurring cost, are expected to be redeemed at the present rate of patronage of air-conditioned carriages ?

**The Honourable Mr. A. G. Clow :** (a) In December, 1937, a daily air-conditioned service employing five air-conditioned carriages was introduced between Bombay and Calcutta. An air-conditioned service twice a week between Bombay and Delhi employing a single air-conditioned carriage was introduced somewhat earlier in that year. The number of air-conditioned carriages employed on the latter service has since been gradually increased to five and the service extended first to a daily service between Bombay and Delhi and more recently to a daily service between Bombay and Kalka.

(b) Air-conditioned carriages or compartments have been provided for first class passengers only. The surcharge on the Bombay-Calcutta service is equivalent to one rupee per 50 miles. On the Bombay-Kalka service surcharges of Rs. 5, 10 and 12|8|0 are leviable for any portion of the journey between Bombay-Rutlam, Bombay-Delhi and Bombay-Kalka respectively. The higher rate of surcharge levied on the Bombay-Calcutta service is explained by facilities other than air-conditioning such as bedding, attendance, etc., having been provided on this service.

(c) The cost of air-conditioning is dependent upon the type of air-conditioning equipment adopted. On the Bombay Kalka service two four-berth compartments and one coupé in existing carriages have been air-conditioned with the aid of ice-activated equipment at a cost of approximately Rs. 9,000 per carriage. For the Bombay-Calcutta service new fully air-conditioned 14-berth carriages were constructed and equipped with electro-mechanical equipment at a cost of approximately Rs. 36,000 per carriage. It is not possible at this stage to give reliable figures of actual recurring costs.

(d) For the period from 1st December, 1937, to the 30th June, 1938, the air-conditioned accommodation available has been utilised on the average to the following extent :

	Per cent.			
From Bombay to Howrah .. .. .	..	..	..	30
From Howrah to Bombay .. .. .	..	..	..	50
From Bombay to Delhi .. .. .	..	..	..	53
From Delhi to Bombay .. .. .	..	..	..	59

(e) Based on the surcharge earnings on the Bombay-Calcutta service during the six months following its introduction it is estimated that after meeting interest and maintenance charges the original cost of both air-conditioning equipment and additional facilities will be redeemed in five years. The period on the other route may be somewhat shorter.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if the policy of the railway authorities is to supply these air-conditioned carriages only in the parts of the country where there are extremes of temperature and it is too hot and too cold, to begin with, or anywhere they like ?



**The Honourable Mr. A. G. Clow :** The policy is to supply them where it is likely to be profitable.

**Mr. Lalchand Navalrai :** In view of the fact that there is too much of heat and also too much of cold in Sind, may I ask the Honourable Member whether the North Western Railway are using these air-conditioned carriages there or not ? Will they use them or not ?

**The Honourable Mr. A. G. Clow :** They are not using them in Sind at present. I presume they are not satisfied that the service will be profitable there.

**Mr. K. Santhanam :** With reference to part (d), may I know if the Railway Board are satisfied with the utilisation of the 30 per cent. of the air-conditioned accommodation from Bombay to Howrah ?

**The Honourable Mr. A. G. Clow :** Naturally, they would like to have a good deal more, but, as I have already answered, the indications are at present that even that accommodation will prove profitable.

**Mr. Manu Subedar :** May I ask whether it is not a fact that some of the users of the air-conditioned carriages are obliged to use them because berths are not available in the ordinary carriages ?

**The Honourable Mr. A. G. Clow :** If the Honourable Member is speaking from his own experience, I do not know why he asks me.

**Mr. Manu Subedar :** May I ask whether the Railway Board can regard this return as purely economical ?

(No answer.)

**Shrimati K. Radha Bai Subbarayan :** May I ask if it is a fact that any compartment in these air-conditioned carriages is reserved for women ?

**The Honourable Mr. A. G. Clow :** I do not know that it is a fact. But I know there have been compartments exclusively occupied by women when there were sufficient women passengers travelling by these trains.

**Shrimati K. Radha Bai Subbarayan :** Are the Government aware that there is no compartment reserved for women in the carriage from Bombay to Kalka ?

**The Honourable Mr. A. G. Clow :** I am not aware. But I know that compartments have been exclusively assigned to women going the other way.

**Shrimati K. Radha Bai Subbarayan :** Will the Government consider the advisability of reserving a compartment for women on all these coaches ?

**The Honourable Mr. A. G. Clow :** It depends on the bookings. These berths are normally booked ahead and there would be no point in reserving a compartment for women if no woman was travelling.

MAIL ROBBERY NEAR SHETABGANJ RAILWAY STATION.

280. \***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state :

- (a) if his attention has been drawn to the report from Dinajpore, dated the 28th May, published in the *Hindustan Standard*, regarding mail robbery near Shetabganj station ;
- (b) is it a fact, as stated in the report, that the guard on being threatened by robbers found the vacuum brake defective ;
- (c) if the Honourable Member aware that in the case of local and less important passenger trains the public complain that alarm chains do not work sometimes ; and
- (d) will the Honourable Member please state the steps taken to keep utmost vigilance over proper condition of alarm chains and brakes ?

**The Honourable Mr. A. G. Clow** : (a) No, but the General Manager, Eastern Bengal Railway, states that there was a mail robbery which is being investigated by the Police.

(b) The train concerned was a mixed train on the metre gauge section where all such trains run without the vacuum brake being in operation. The guard must have known this.

(There was noise in one part of the House.)

**The Honourable Mr. A. G. Clow** : Sir, how can I proceed with the answer when there is so much noise in the Chamber.

**Mr. President** (The Honourable Sir Abdur Rahim) : Honourable Members really must not make noise like that. The acoustics of this House are bad enough, and if the Honourable Members go on making noise by talking loudly amongst themselves, it will become impossible to hear any Honourable Member.

**Pandit Lakshmi Kanta Maitra** : Nobody can hear the Honourable Member from this side of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is all the more reason why the Honourable Members in that part of the House should not make noise and make it still worse.

**The Honourable Mr. A. G. Clow** : (c) I understand that complaints regarding defective alarm chains are very seldom received.

(d) The instructions laid down by the Administration provide for the maintenance and the periodic testing of all such apparatus.

**Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member consider the desirability of having vacuum brakes in all trains ?

**The Honourable Mr. A. G. Clow** : No, Sir. It is impractical to have vacuum brakes in mixed trains. You may have goods wagons in front and the passenger carriages behind.

**Mr. Brojendra Narayan Chaudhury** : In that case, such trains run the risk of being robbed by robbers without there being vacuum brakes to catch the robbers there and then ?

**The Honourable Mr. A. G. Clow :** I suppose the risk is a little greater.

**Mr. Brojendra Narayan Chaudhury :** Is the Honourable Member aware that such cases are always happening throughout the year in some portion of the country or the other?

**The Honourable Mr. A. G. Clow :** Not always.

**Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member accept it from me as a fact that there was a case recently?

**The Honourable Mr. A. G. Clow :** As I said, there was one case recently.

**Mr. Brojendra Narayan Chaudhury :** Is the Honourable Member ready to accept another case from me?

**The Honourable Mr. A. G. Clow :** If the Honourable Member will give me particulars, I will certainly accept it.

**Prof. N. G. Ranga :** Why do Government carry mails in these mixed trains?

**The Honourable Mr. A. G. Clow :** They may be carried.

INCOME AND EXPENDITURE BY PROVIDING FACILITIES FOR PILGRIMS AT  
HARDWAR DURING THE KUMBHA MELA.

281. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) the extra cost incurred by the Railway Administrations in providing extra accommodations for pilgrims of Hardwar Kumbha Mela; the extra gross income and extra net income earned;
- (b) the same figures for Posts and Telegraphs Department;
- (c) the contribution, if any, towards housing and sanitary arrangements at the mela, given by the Central Government or Railways;
- (d) the same figures of extra expenditure, extra earnings by Railways, Posts and Telegraphs for Rathajatra at Puri;
- (e) if the Honourable Member is aware that extra facilities in accommodation and cheaper fares draw extra crowds, throwing extra burdens on Provincial Governments to meet housing and sanitary conditions; and
- (f) if the Honourable Member is aware that, according to *Hindu Sastras*, pilgrims to earn *Punya* must travel on foot?

**The Honourable Mr. A. G. Clow :** (a) The approximate figures are :

Cost of additional temporary facilities ..	Rs. 1,60,000.
Gross earnings .. .. .	Rs. 28 lakhs.

The figure relating to net income earned is not available. To ascertain this, account would have to be taken of expenditure incurred in several

other directions, such as for additional staff, publicity and the running of a large number of special trains. It would be difficult to ascertain with any reasonable approximation to accuracy the cost of the latter.

(b) The figures are :

	Rs.
Cost .. .. .	12,700
Extra gross income .. .. .	37,600
Extra net income .. .. .	24,900

But I should add that the extra net income does not take account of correspondence which pilgrims would otherwise have sent from their homes.

(c) No contribution was made by the Central Government or Railways for any arrangements outside their premises.

(d) The figures are approximately :

**Railways.—**

	Rs.
Extra accommodation for the provision of temporary facilities at Puri .. .. .	800
Extra earnings .. .. .	1,46,000

**Posts and Telegraphs.—**

	Rs.
Extra expenditure .. .. .	6
Extra income .. .. .	47

(e) Yes, but I have no information as regards the latter part of the Honourable Member's question.

(f) I am prepared to accept this from the Honourable Member.

**PLACING OF MAIL VANS AND FEMALE CARRIAGES IN THE CENTRE OF A TRAIN.**

282. \***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state :

- (a) if his attention has been drawn to the public demand in the press that mail vans and female carriages should be placed in the centre of a train to minimise chances of injury from accidents to postal officers who travel every day, and to the weaker, sex ; and
- (b) what steps, if any, have been taken to give effect to this demand ?

**The Honourable Mr. A. G. Clow** : (a) No.

(b) Does not arise.

**Mr. Brojendra Narayan Chaudhury** : Has the Honourable Member considered the fact that the Postal Officers have to travel every day and therefore they run far more risk than the ordinary passengers ?

**The Honourable Mr. A. G. Clow :** In the aggregate they do, but not on a particular journey.

**DEVELOPMENT OF THE AIR STATION AT JIWANI.**

283. **\*Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das) : Will the Honourable Member for Communications please state :

- (a) whether Government considered the question of developing Air Station, Jiwani, as an alternative Air base to Gwador for land and sea planes ;
- (b) whether Government corresponded with the British Government's Air Ministry in the matter ;
- (c) the expenses estimated to be involved ;
- (d) whether the Imperial Government have agreed to meet the expenses thereof whether in full or in part ; and
- (e) the stage at which the matter stands now ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) Correspondence has taken place with the Air Ministry.

(c) Approximately Rs. 5 lakhs.

(d) His Majesty's Government will meet the whole cost of the seaplane station at Jiwani. The question of providing a new aerodrome near the seaplane station in place of the existing emergency landing ground, five miles away, and the incidence of the cost, is under consideration.

(e) The seaplane station has been transferred from Gwador to Jiwani which has been used regularly since 13th May last. At present the arrangements are temporary. Estimates for the development of the station on a permanent basis are under the consideration of His Majesty's Government.

**Prof. N. G. Ranga :** May I ask who is to pay for the maintenance expenses ?

**The Honourable Mr. A. G. Clow :** I have explained that in my reply to part (d).

**Mr. Manu Subedar :** May I know what are the reasons for transferring the station from Gwador to Jiwani ?

**The Honourable Mr. A. G. Clow :** Because the station of Gwador was inconvenient for sea planes.

**Prof. N. G. Ranga :** In reply to part (b) we understood that the expenses for setting up this station ought to be met by His Majesty's Government. I want to know whether the maintenance expenses also are to be met by His Majesty's Government.

**The Honourable Mr. A. G. Clow :** I am not sure.

**GRANT OF CERTAIN PRIVILEGES AND CONCESSIONS ON RAILWAYS TO STUDENTS  
OF ARABIC INSTITUTIONS.**

284. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will the Honourable Member for Railways be pleased to state if it is or it is not a fact that students studying in Arabic institutions, some of which even receive Government aid, are not considered eligible for all those privileges and concessions on Railways which are usually granted by Railways to students reading in schools in which English is taught and which are recognised by the Education Department of Government ?

(b) If the answer to part (a) be in the affirmative, have Government considered the advisability of granting the said privileges and concessions to students of Arabic institutions ?

**The Honourable Mr. A. G. Clow :** (a) Government have no particulars of such cases. According to the tariffs of Railways, concessions are being allowed for parties of not less than four in the case of :

- (i) children attending schools of all kinds which are recognised by the Education Department of the Province or State in which the schools are situated ;
- (ii) students of colleges affiliated to a recognised University ;
- (iii) students of medical schools, technical, commercial, industrial and agricultural institutions under Government or recognised by the Government of the Province or State in which the schools or institutions are situated.

(b) Does not arise.

**Qazi Muhammad Ahmad Kazmi :** Have the Government considered the advisability of extending this concession to colleges, whether they be Sanskrit or Arabic colleges, where oriental languages are taught and which are not recognised by the Government because they do not want to take any aid and where they have got their own courses of study which are not adaptable to the courses of studies in colleges which are recognised by Government ?

**The Honourable Mr. A. G. Clow :** I thought it was possible to get recognition from the Government whether aid was given by Government or not. In any case if we were to go outside those recognised by the Government, it would be very difficult to draw the line anywhere.

**Qazi Muhammad Ahmad Kazmi :** There are many private institutions which are as big as Government institutions and if necessary the Government should make enquiries about the matter and give recognition for the purposes of passes and concessions only to such institutions which are old and well established institutions irrespective of the fact whether they are recognised by the Education Department or not.

**The Honourable Mr. A. G. Clow :** We have to depend on the provincial Governments whether an institution is a suitable one for that or not.

DECLARATION OF *Id-uz-Zuha* AND LAST FRIDAY OF *Ramazan* AS HOLIDAYS  
FOR MUSLIMS IN THE WORKSHOPS AT JAMALPUR.

285. \*Qazi Muhammad Ahmad Kazmi : (a) Will the Honourable the Railway Member please state if Government are aware that *Id-uz-Zuha* and last Friday of *Ramazan* are important festivals for Muslims, on which they offer prayers in congregation ?

(b) Is it or is it not a fact that on both these occasions the Workshops at Jamalpur are not closed and a notice is served to the effect that such of the Muslim staff who want to avail themselves of this leave and can be spared are at liberty to do so on obtaining permission ?

(c) If the answer to part (b) be in the affirmative, have Government considered the advisability of making these two days 'full holidays' at least for the Muslim workers ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Such of the Muslim staff in Jamalpur Workshops as can be spared and desire to avail themselves of leave on the day of *Id-uz-Zuha* are at liberty to do so on obtaining permission. As regards the last Friday of *Ramazan*, Government have no information, but presume that a similar practice is followed in this case also.

(c) Yes. Government considered this question last year, and came to the conclusion that there is insufficient justification for allowing payment for *Id-uz-Zuha* and the last Friday of *Ramazan* when these are taken as holidays.

Qazi Muhammad Ahmad Kazmi : Have the Government considered the advisability of giving the leave without the condition, if it is available or not available ?

The Honourable Mr. A. G. Clow : Yes, Sir. As I said in answer to part (b) such leave without the condition of payment is given on one of the holidays and I think on the other also.

Qazi Muhammad Ahmad Kazmi : May it not be extended to both cases, because both are important festivals ?

The Honourable Mr. A. G. Clow : I believe it is given on both, the concession of being able to take a holiday without pay if the staff can be spared.

PROVISION OF ADDITIONAL INTERMEDIATE CLASS COMPARTMENTS IN THE PUNJAB  
EXPRESS BETWEEN HOWRAH AND LAHORE.

286. \*Qazi Muhammad Ahmad Kazmi : (a) Will the Honourable the Railway Member please state if Government are aware that in the Punjab Express between Howrah and Lahore generally only one small intermediate class compartment for males—meant for 12 passengers—is run continuously, other intermediate compartments being attached and detached at roadside stations ?

(b) Are Government aware of the great inconvenience to the travelling public by this practice and have they considered the advisability of prevailing upon the authorities to remove this grievance of the passengers ?

**The Honourable Mr. A. G. Clow :** (a) I understand that, apart from a compartment with accommodation for fifteen which is reserved for ladies, there is a compartment providing accommodation for thirty passengers between Howrah and Lala Musa.

(b) Does not arise.

**Qazi Muhammad Ahmad Kazmi :** Is it continuously for 30 passengers ?

**The Honourable Mr. A. G. Clow :** So I am told.

**Qazi Muhammad Ahmad Kazmi :** From whom did the Honourable Member make enquiries ?

**The Honourable Mr. A. G. Clow :** From the General Manager of the East Indian Railway.

**Prof. N. G. Ranga :** Is the Honourable Member satisfied that there are no complaints made against congestion in these intermediate carriages between Calcutta and Delhi ?

**The Honourable Mr. A. G. Clow :** I am not.

**Qazi Muhammad Ahmad Kazmi :** Will the Honourable Member enquire if I give him definite dates when there were not compartments providing accommodation for thirty passengers ?

**The Honourable Mr. A. G. Clow :** It is certainly possible that on some days a carriage was asked for and it was not provided. If that has happened frequently, and if the Honourable Member will give me dates, I shall enquire.

#### ISSUE OF RETURN TICKETS AT CONCESSIONAL RATES TO HAJ PILGRIMS ON RAILWAYS.

287. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will the Honourable the Railway Member please state whether Government are aware that a large number of Indian Muslims go on pilgrimage to Arabia each year and generally embark at Calcutta, Bombay and Karachi ?

(b) Have Government considered the advisability of persuading the Railway authorities concerned to give Haj pilgrims return tickets at concessional rate as are often given to other pilgrims on most Railways ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) I would refer the Honourable Member to the reply given to Mr. Maswood Ahmad's question No. 1127 on the 25th March, 1931.

**Dr. Sir Ziauddin Ahmad :** It is seven years since the last question was answered. Will the Honourable Member consider this question afresh because there is so much demand.



**The Honourable Mr. A. G. Clow :** I do not think the conditions have changed. I have looked into the matter lately. I do not think that any reduction in fares would so stimulate traffic as to make the thing profitable. In fact it would certainly cause loss.

**Dr. Sir Ziauddin Ahmad :** A new line has come into existence, called the Scindia line because the number of passengers has increased.

**The Honourable Mr. A. G. Clow :** Yes, Sir. But I do not think it has greatly increased the number of persons performing the pilgrimage.

#### RESTRICTIONS AND CONDITIONS IMPOSED ON FOREIGN NATIONALS IN INDIA.

288. **\*Mr. S. Satyamurti :** Will the Secretary for External Affairs please state :

- (a) the total number of foreign nationals of the leading countries such as the United States of America, France, Germany, Italy, Sweden, Czechoslovakia, in India ;
- (b) what was their number in 1922, 1927, 1932 and 1937 ;
- (c) whether a record of such foreign nationals entering and trading in India is kept together with the names of countries they come from ;
- (d) whether there are any restrictions and conditions imposed on the foreign nationals of the countries referred to above by His Britannic Majesty's representatives in the respective countries while issuing *visas*, just as the United States of America Consuls do in this country in the case of Indians proceeding to the United States of America ;
- (e) whether there are any restrictions and conditions imposed by the Government of India when foreigners land here and make a living in this country ; and
- (f) whether there are not restrictions and conditions imposed on foreigners, including Indians, while landing and securing employment in the countries referred to above ?

**Sir Aubrey Metcalfe :** (a) and (b). A statement giving the information according to the Census of 1921 and 1931 is laid on the table of the House. Similar information in regard to other years is not available.

(c) No.

(d) So far as Government are aware there are no restrictions. Precautions are, however, taken not to grant passport facilities for India in cases where there are reasons to believe that the persons concerned might become destitute in India or their presence there might be undesirable for any other cause.

(e) No restrictions and conditions are imposed.

(f) There are restrictions against all nationals of the barred zone in the United States of America and Indians are not singled out for this treatment. As far as Government are aware no such restrictions exist in the other countries referred to.

*Statement showing the number of Foreign Nationals of Countries detailed below, who were in India at the time of the Census of 1921 and 1931.*

	1921.	1931.
United States of America .. .. .	750	1,451
France .. .. .	1,466	1,498
Germany .. .. .	247	1,048
Italy .. .. .	683	902
Sweden .. .. .	140	288
Czechoslovakia .. .. .	—	17

**Mr. S. Satyamurti :** With reference to part (f), may I ask specifically whether any restrictions and conditions are not imposed on foreigners while landing and in securing employment in the countries referred to in part (a) of the question, but such restrictions and conditions are imposed only on Indians ?

**Sir Aubrey Metcalfe :** That is actually the question I have answered already in part (f). I took the revised question which the Honourable Member has now asked as a supplementary as the basis for my reply.

**Mr. S. Satyamurti :** Is it not so in America ?

**Sir Aubrey Metcalfe :** As I have said there are restrictions in America against all nationals of what is known in law as "the barred zone".

**Mr. S. Satyamurti :** May I know why the Government of India should not impose restrictions and conditions, on the basis of reciprocity, against foreigners from countries which discriminate against our nationals ?

**Sir Aubrey Metcalfe :** That, Sir, is a large question of policy which I can hardly answer in reply to a supplementary question.

#### USE OF SPEEDOMETERS IN ENGINES.

289. **\*Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) whether the Railway Board are contemplating the use of speedometers in engines of mail and passenger trains to assist drivers of trains to check speed ;
- (b) whether the railways propose to adopt a special device to check the tendency of engines to hunt ; and
- (c) if so, what that device is ?

**The Honourable Mr. A. G. Clow :** (a) The attention of the Honourable Member is invited to the reply given in this House on the 12th August, 1938, to part (c) of starred question No. 143 asked by Mr. T. S. Avinashilingam Chettiar.

(b) and (c). The devices on which attention is being concentrated at present are the fitting of friction liners on the bogie and hind truck slides, and of spring loaded plungers with inclined faces between the engine and the tender.

**Prof. N. G. Ranga :** Is there any effort being made to introduce speedometers on the Grand Trunk Express ?

**The Honourable Mr. A. G. Clow :** I do not think the " X " class engines are being used on the Grand Trunk Express, as far as I know.

ALLEGED INSULT TO PRESS REPORTERS AND VISITORS AT THE CIVIL AERODROME  
AT DRIGHROAD.

290. **\*Mr. S. Satyamurti :** Will the Honourable Member for Communications please state :

- (a) whether his attention has been drawn to the following question in the Sind Legislative Assembly :

" **Mr. R. K. Sidhwa :** Is it a fact that on the day of arrival of Srijut Subash Chandra Bose by Dutch plane at the civil aerodrome at Drighroad in the second week of November, 1937, some of the press reporters and visitors were insulted by the gate-keeper and a report to that effect was immediately made to the officer on the spot ? "

- (b) whether the Government of India have investigated this complaint ;  
(c) what the results of this investigation are ;  
(d) whether Government propose to take steps to prevent a recurrence of such incident ; and  
(e) if not, why not ?

**The Honourable Mr. A. G. Clow :** (a) I have seen a statement in the press that this question was put.

(b) No, Sir. No such complaint was received.

(c), (d) and (e). Do not arise.

**Mr. S. Satyamurti :** In view of the fact that this question and answer were part of the proceedings of the Sind Legislative Assembly, may I know why Government did not pursue the matter in view of the personality of the gentleman involved and the indignity obviously suggested in the question in the Sind Legislative Assembly ?

**The Honourable Mr. A. G. Clow :** This question was apparently put more than six months after the alleged incident.

## (b) WRITTEN ANSWERS.

## RESPONSIBILITY OF WARNING PASSENGERS AGAINST GETTING INTO TRAINS STOPPING ACCIDENTALLY AT WAYSIDE STATIONS.

291. \***Mr. S. Satyamurti** : Will the Honourable Member for Railways be pleased to state :

- (a) whether his attention has been drawn to the observations of the Special Railway Magistrate of Howrah in a recent case that the responsibility of warning passengers against getting into trains that stop accidentally at wayside stations lies on the Railway Administration ;
- (b) whether Government have accepted that decision ; and
- (c) whether Government propose to take necessary steps in this behalf ?

**The Honourable Mr. A. G. Clow** : (a) I have seen a newspaper report to this effect.

(b) and (c). The matter is being examined.

## ARREST OF INDIANS IN MOSCOW AND LENINGRAD.

292. \***Seth Govind Das** : Will the Secretary for External Affairs please state :

- (a) whether it is a fact that almost all the Indians in Moscow and Leningrad were arrested by police there on the charge of being " Trotskyist Agents of Fascism " ;
- (b) whether Government have corresponded with the British Ambassador in Russia in the matter ;
- (c) whether Government are making proper and adequate arrangements for their defence and protection ;
- (d) whether Government have received a list of the names of the persons so arrested and awaiting trial, and
- (e) the results of Government's correspondence in the matter with authorities in Russia ?

**Sir Aubrey Metcalfe** : (a) Government have no information.

(b), (c), (d) and (e). Enquiries have been made by His Majesty's Government from the British Embassy, Moscow, but no information regarding the arrests of any such persons has been received so far. In the absence of such information it has not been possible to take any steps for the defence and protection of the persons referred to.

## CHANGE IN THE DESIGNATION OF AGENTS OF STATE RAILWAYS.

293. \***Mr. Lalchand Navalrai** : (a) Will the Honourable Member for Railways be pleased to state if the designation of the Agents of the State Railways has been changed to General Managers ? If so, why has this been done ?

(b) What is the difference between the powers and functions of the General Managers ?

(c) Will the General Manager be directly responsible to the Railway Board, as before, for the work of the officers working under him, or shall he have only a general supervision over them ?

(d) What will be the position of the General Manager when the proposed Railway Federal Authority is adopted ?

**The Honourable Mr. A. G. Clow :** (a) Yes, in pursuance of the recommendation of the Indian Railway Enquiry Committee, 1937.

(b) None.

(c) The reply to the first part is in the affirmative ; the second part does not arise.

(d) It would be a matter for the Federal Railway Authority to decide when constituted.

#### GOVERNMENT'S CONTROL OVER THE FIXATION OF FREIGHTS ON COMPANY MANAGED RAILWAYS.

294. **\*Seth Govind Das :** Will the Honourable Member for Railways please state :

(a) whether there is any system of control by Government over the fixation of Railway freights on Company-managed Railways ;

(b) if so, what it is ;

(c) whether he is aware that some of the freight rates over the Company-managed Railways are higher for many commodities than over the State-managed Railways ;

(d) whether he is aware that over the Company-managed Railways, while for the same distance and commodity, the rate of freight is more in one section, it is less in another section ; and

(e) whether Government have the power of control and regulation of these freight rates ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) and (e). Government have certain powers under the contracts with the various railways. In practice, the Railway Board fix maximum and minimum rates per mile for each class of commodity.

(c) Yes, but there are other freight rates which are higher over the State-managed Railways than over Company-managed Railways.

(d) Yes, but this is not peculiar to Company-managed Railways. Such differences exist in the tariffs of every Railway in the world.

SETTLEMENT OF DISPUTES OF FREIGHT RATES BETWEEN COMPANY-MANAGED  
RAILWAYS AND THE MERCANTILE COMMUNITY.

295. \*Seth Govind Das : Will the Honourable Member for Railways please state :

- (a) the authorities that are competent to entertain and decide appeals against the inequity or indiscriminate freight rates charged by Company-managed Railways ;
- (b) the procedure for moving the authorities concerned ; and
- (c) whether there is any clause in the contract, in the agreements entered into by the Companies with the Secretary of State in Council, giving Government the power to intervene and settle disputes of freight rates between a Company-managed Railway and the mercantile community ?

The Honourable Mr. A. G. Clow : (a) and (b). I would refer the Honourable Member to the Railway Department (Railway Board) Resolution No. 606-T., dated the 25th September, 1930, which was published in the Gazette of India, dated the 27th September, 1930.

(c) This point has been dealt with in the reply I have just given to the Honourable Member's previous question.

HOLDING OF A CONFERENCE IN KABUL TO SETTLE THE FRUIT TRADE DISPUTE  
BETWEEN INDIA AND AFGHANISTAN.

296. \*Seth Govind Das : Will the Foreign Secretary please state :

- (a) whether it is a fact that Government agreed with the Afghan Government to hold a conference of traders in Kabul to settle the dispute over the fruit trade between the two countries ;
- (b) when the conference is likely to be held ;
- (c) who will represent the Government of India at the conference ; and
- (d) whether other subjects concerning trade relations are also contemplated for discussion and agreement ?

Sir Aubrey Metcalfe : (a) and (b). As the result of correspondence between His Majesty's Minister at Kabul and the Government of India, arrangements were made for a conference to take place at Kabul between representatives of the Afghan Government and representatives of the Indian fruit traders in order to find a basis of settlement for the dispute which had been going on between the Afghan Government Monopoly Company, and the Indian traders over the import and distribution of fruit in India. Before the deputation from India departed from Peshawar, the Afghan Government fruit monopoly was abolished and the proposed conference, therefore, became unnecessary.

## ACTION ON PROBLEMS OF INCIVILITY ON RAILWAYS.

297. **\*Mr. Badri Dutt Pande :** Will the Honourable Member for Railways be pleased to state what action the Railway Board have taken, or propose to take, in dealing with the problem of incivility on Railways ?

**The Honourable Mr. A. G. Clow :** The rules regulating discipline and rights of appeal of non-gazetted railway servants on State-managed Railways, a copy of which is in the Library of the House, have been amended so as to authorise officers, not below the rank of a Deputy Head of Department, to order removal from service of a railway servant who is found guilty of incivility to the public, after application of the procedure laid down in the rules irrespective of length of service. 'Incivility to the public' has been specifically included in Rule 8 of the Rules referred to above as an offence which renders a railway servant liable to removal from the service.

Further measures adopted or contemplated by Railway Administrations include the following :

- (i) the issue of a personal appeal to staff whose duties bring them in contact with the public ;
- (ii) the introduction of a ' Suggestion Book ' in public rooms at important stations ;
- (iii) the issue of a quarterly bulletin reproducing in general terms actual complaints ;
- (iv) issue of general and departmental circulars and strict orders to staff to pay prompt attention to the travelling public ;
- (v) a thorough analysis of complaints from the public ;
- (vi) organised lectures on civility with practical demonstration to staff ;
- (vii) issue of instructions to traffic officers to watch station staff with a view to weeding out any employee who is not capable of treating passengers with courtesy and consideration ;
- (viii) an extension of the existing system of complaint books at stations ; and
- (ix) the provision of larger notice boards at railway stations warning the staff in the vernacular to be courteous to third class passengers.

QUARTERS FOR DESTITUTE WIDOWS AND ORPHANS OF THE QUETTA  
EARTHQUAKE DISASTER.

298. **\*Mr. Badri Dutt Pande :** (a) Will the Foreign Secretary be pleased to state how many quarters for destitute widows and orphans of the Quetta earthquake disaster of 1935 have been made by Government ?

(b) What is the total amount allotted for this relief ?

**Sir Aubrey Metcalfe :** (a) and (b). A sum of approximately Rs. 6.51 lakhs was allotted to Provincial and local authorities from the Viceroy's Quetta Earthquake Relief Fund for the relief of widows and aged and

infirm persons and, in addition, approximately Rs. 4 lakhs were allotted for the education of destitute children. Out of their allotment the Baluchistan Administration have so far sanctioned the construction of 247 quarters for destitutes, including widows and orphans ; of these, 30 quarters have been completed and 75 are under construction. It is hoped to complete the full number by the end of October, 1938.

**ACCIDENT TO PUNJAB MAIL NEAR MUTHROOPUR STATION ON THE EAST INDIAN RAILWAY.**

299. **\*Mr. Abdul Qaiyum :** Will the Honourable the Railway Member please state :

- (a) whether the Punjab Mail met with an accident near Muthroopur, East Indian Railway, on the 7th June, 1938 ;
- (b) the cause of this accident ;
- (c) how many were killed or wounded ;
- (d) whether any police enquiries have been held in the matter and, if so, with what result ;
- (e) whether any body has been challaned and, if so, with what result ; and
- (f) whether any compensation has been paid to the relatives of the dead and the wounded persons ; if not, the reasons therefor ?

**The Honourable Mr. A. G. Clow :** (a) to (c). I would refer the Honourable Member to the reply I gave on the 8th August, 1938, to Sardar Mangal Singh's starred question No. 1 and Mr. Amarendra Nath Chattopadhyaya's starred question No. 7.

(d) Yes : I believe the police investigation is continuing.

(e) No one has yet been challaned.

(f) I have no information beyond that already given in my reply to parts (c) and (d) of Mr. Amarendra Nath Chattopadhyaya's starred question No. 8 on the 8th August, 1938. As the accident was due to sabotage, the Railway Administration is not liable to pay compensation on account of casualties among passengers.

**ISSUE OF RETURN TICKETS AT CONCESSIONAL RATES TO HAJ PILGRIMS ON RAILWAYS.**

300. **\*Mr. Abdul Qaiyum :** Will the Honourable Member for Railways please state :

- (a) whether a large number of pilgrims from India and Central Asia travel over the Indian Railways on their way to the holy land of the Hedjaz for Haj every year ;
- (b) whether the Railways ever issue or have issued concession return tickets to such pilgrims ;
- (c) whether return tickets are issued to pilgrims on Indian Railways when visiting inland places of pilgrimage ; and



- (d) why return concession tickets are being withheld from *Haj* pilgrims ; and whether Government propose to redress this wrong ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) No.

(c) Most of the railways give no special concessions but a few Railways are issuing short-period return tickets to some places of pilgrimage. The issue of these tickets is restricted to passengers travelling from certain specified stations.

(d) I would refer the Honourable Member to the reply I have just given to Qazi Muhammad Ahmad Kazmi's question No. 287.

**OCTROI DUTY CHARGED BY NEPAL GOVERNMENT ON ARTICLES FROM INDIA.**

301. **\*Mr. Badri Dutt Pande :** Will the Foreign Secretary be pleased to state :

- (a) whether the Nepal Government charges octroi on all articles coming from and entering into the Nepal territory from the Indian territory ; and  
(b) whether there is any reciprocal duty on goods going into and coming from Nepal ? If not, why not ?

**Sir Aubrey Metcalfe :** (a) Yes.

(b) There is a limited customs tariff schedule imposed by the Government of India on certain goods entering India from Nepal in accordance with the general practice prevailing on the land frontiers of India. This duty is not reciprocal in nature, since it is not the policy of the Government of India to follow a reciprocal principle in deciding what their import tariff schedule shall be.

**AMALGAMATION OF SAM RANIZAI AND SWAT RANIZAI IN MALAKAND AGENCY WITH THE NORTH-WEST FRONTIER PROVINCE.**

301A. **\*Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether the people of Sam Ranizai and Swat Ranizai in Malakand Agency have been persistently demanding the amalgamation of these tracts with the North-West Frontier Province ;  
(b) whether public meetings in support of the above demand have been held at Warter, Haryan Kot, Hiro Shah, Kot and Skha Kot ;  
(c) the general policy of Government in such matters ; and  
(d) whether Government propose to accept the demand of Ranizai people ; if not, why not ?

**Sir Aubrey Metcalfe :** (a) No. Government understand that occasional resolutions to this effect have been passed.

(b) Yes. The meetings were unrepresentative and were organised from outside the Agency.

(c) The policy of Government is to observe the agreements on which their relations with the inhabitants of these tracts are based. These agreements will be found on pages 446-447 of Aitchison's Treaties, Volume XI.

(d) No. Government have no reason to believe that the demand represents the wishes of the inhabitants as a whole.

#### ARREST OF THE SHAMI PIR.

301B. \***Mr. Abdul Qaiyum** : Will the Foreign Secretary please state :

(a) who the Shami Pir is ;

(b) whether he was living for a number of years in Dera Ismail Khan, Tank and Jandola ; and

(c) whether he has been arrested, and if so, how and when ?

**Sir Aubrey Metcalfe** : (a) The name of the individual known as the Shami Pir is Mahomet Sadi al Keilani. He was born in Damascus in 1901 and in 1925 adopted Turkish nationality.

(b) No. He only arrived in the North-West Frontier Province in January, 1938.

(c) He was not arrested, but came in on safe conduct as the result of political pressure on his followers.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### ATTEMPT TO DERAIL A TRAIN ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

10. **Dr. Sir Ziauddin Ahmad** : (a) Will the Honourable the Railway Member please state all the facts connected with the attempt to derail the railway train on the Bombay, Baroda and Central India meter gauge between Marehra and Agsauli ?

(b) Did Government make inquiries ? If so, through what agency ?

(c) Was it an attempt to damage life and property ?

**The Honourable Mr. A. G. Clow** : (a), (b) and (c). On the 19th June, 1938, at about midday, No. 38-Down Passenger ran over an obstruction between Agsauli and Marehra stations (on the Agra Fort-Kasganj section). The matter was reported to the police who found two iron pieces placed between rail joints. In their opinion, this was done by boys grazing cattle near the railway line, out of pure mischief. The matter is still under investigation.

##### MAIL DACOITY IN AZAMGARH.

11. **Dr. Sir Ziauddin Ahmad** : (a) Will the Honourable the Railway Member please state the circumstances about the mail dacoity in Azamgarh ?

(b) Did Government make any inquiry? If so, what was the result?

(c) What kind of persons were involved in this dacoity?

**The Honourable Mr. A. G. Clow :** (a) The Honourable Member presumably refers to the dacoity committed in April, 1938, between Pipridih and Dulahpur on the Bengal and North-Western Railway. The facts are as follows :

On the night of the 9th/10th April, when the 73 Up (Gorakhpur-Benares) Bengal and North-Western Railway train was travelling through country covered with forest between Pipridih and Dulahpur, it came to a sudden standstill. When the guard got down to ascertain the cause of the halt, he was overpowered by five persons and asked, at the point of a revolver, to produce all the cash he had. The police constable on duty in the train, who came to his rescue, was stabbed in the back. The dacoits are then reported to have diverted their attention to the mail van, firing two shots into it and demanding the opening of the doors on pain of death. When the staff did not accede to their wishes, the dacoits smashed the expanded metal mesh over the window along side the door and, forcing an entry into the mail van, commenced to ransack the mails. They seized seven insured letters placed in the pigeon holes and afterwards opened the mail bags, taking out 14 more insured letters and also a sum of Rs. 250 from an account bag. The mail van peon received a stab in the hand. After a stay of about half an hour the dacoits decamped with the booty.

(b) The local Police authorities have investigated the crime. Sixteen persons have been arrested so far, of whom one has been released.

(c) It is not possible to say definitely at present who committed the crime.

**EXPENDITURE INCURRED BY RAILWAYS AND POSTS AND TELEGRAPHS, ETC., IN CONNECTION WITH THE CONGRESS SESSION AT HARIPURA.**

**12. Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways and Communications please state :

(a) the amount of extra expenditure incurred by Railways and the Posts and Telegraphs in connection with the last session of the Indian National Congress and the extra income therefrom ; and

(b) if he is aware of any other expenditure by other Departments incurred from the Central Revenues ; if so, how much and for which purpose ?

**The Honourable Mr. A. G. Clow :** (a) With regard to Railways, I would refer the Honourable Member to the reply given by me on the 8th August, 1938, to parts (a) and (b) of Mr. T. S. Avinashilingam Chettiar's starred question No. 5 Extra expenditure incurred by the Posts and Telegraphs Department was Rs. 22,400 and their extra income was Rs. 22,500 approximately.

(b) Yes, a sum of Rs. 292 was spent by All-India Radio on arrangements for broadcasting.

### PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to  
12 NOON. inform the House that under rule 3 (1) of the Indian  
Legislative Rules, I nominate Mr. S. Satyamurti, Dr. Sir  
Ziauddin Ahmad, Sir Homi Mody and Mr. A. Aikman on the Panel of  
Chairmen for the current Session.

### COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to  
announce that under Standing Order 80 (1) of the Legis-  
lative Assembly Standing Orders, the following Honourable Members  
will form the Committee on Petitions, namely :

1. Mr. A. Aikman.
2. Mr. M. S. Aney.
3. Syed Ghulam Bhik Nairang.
4. Mr. N. M. Joshi.

According to the provision of the same Standing Order, the Deputy  
President will be the Chairman of the Committee.

### THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will  
now resume discussion of the motion to consider the Criminal Law  
Amendment Bill.

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : Sir,  
yesterday, when the House rose for the day, I was discussing the fact  
that as far as this present Indian army is concerned, we have got  
absolutely no say in its affairs. Its policy is directed from Whitehall,  
and Indians are absolutely excluded from any positions of control. I  
was also talking yesterday of the fact that there are certain methods  
resorted to by the army which are highly objected to by the people of  
this country, and I was giving as an instance the fact that bombing was  
being resorted to in Waziristan against the wishes of the overwhelming  
majority of the people of this country. In this connection it would be  
of great interest to the House to learn what the Prime Minister of  
England said in the House of Commons on the 21st June, 1938, in con-  
nection with air bombing. He was talking of China and I will quote his  
words which will show how in India practice is utterly different to  
the theories which are expounded in England for the world at large.  
The Prime Minister remarked :

“ Indeed ” said the Prime Minister, Mr. Chamberlain, “ were it not that China is  
so far away and the scenes taking place there so remote from every day consciousness,  
I think the sentiments of pity, of horror and of indignation which would be aroused  
by a full perception of these events might drive this people to courses which they  
have never yet contemplated.”

This shows that all this talk of sympathy for the bombing of people in China has got absolutely no meaning. What has upset the British Government and British politicians is the fact that the dominant position which Great Britain enjoyed in the matter of trade in China was being challenged for the first time by an Asiatic power, namely, Japan, and Japan had started following the very tactics which Great Britain had been following in the Far East. Now what is the object of shedding all these crocodile tears for the poor Chinese by this very British Government which has an army in India controlled by the Prime Minister Chamberlain and his Cabinet, which is resorting to the bombing of innocent civilian population in Waziristan and is killing women and children and aged persons without any feelings of remorse or pity? Then, Sir, I will quote a few more lines from the speech of the Prime Minister of England which will again show how practice in India and in Waziristan differs from all this theory which is being broadcast to the world and which has got absolutely no meaning. He stated :

“ There were at any rate three rules or three principles of International Law which he thought they might say were applicable to aerial warfare as fully as they were to war on land or sea. The first was that it was against International Law to bomb civilians as such and to make deliberate attacks on civilian populations. That undoubtedly was a violation of International Law. Secondly, targets must be legitimate military objectives and be capable of identification. Thirdly, reasonable care must be taken in attacking these objectives. Those three general rules they could all accept and the Government did accept, but obviously when they came to be ignored emphatically he could not too strongly condemn the idea that it should be part of a deliberate policy to try to win a war by demoralising civilian population through the process of bombing from the air. That was absolutely contrary to International Law and he gave it as his opinion that it was in addition a mistaken policy. He did not believe that deliberate attacks on civilian populations would ever win a war for those who made them.”

Therefore, I warn the British authorities in India, and I challenge them to deny it, that it has been proved by practice which has been resorted to by them in this country that all these grand principles of International Law which were being enunciated by the British Prime Minister were being violated in the case of Waziristan where you are bombing the civilian population, killing innocent women and children and destroying their places of worship for which they have so much respect and affection. And it has been admitted by the Prime Minister of England that such tactics will not result in the success of the war. I assure this Government that the wrong use of the air force on the Indian frontier is not going to result in any victory for British arms in that part of the world. I assure them that it will not only result in their defeat in Waziristan but it will result in the loss of this great Empire of India on which they have been banking for the last 150 years.

Then, Sir, talking of this army, I ask the Defence Secretary, of what earthly use is this army to us? You have been following this forward policy on the Frontier, you have been bombing tribal people, you have been carrying raids into their territory. I cannot describe their expeditions in the tribal areas by any other words but that they are aggressive raids and that you have got absolutely no moral right to be there. Similarly, a similar counter-raid was made by the tribesmen on the 23rd July on the town of Bannu. The Defence Secretary has admitted it many times that they have sent additional troops to Waziristan because the situation there demands the use of additional forces. But he cannot

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deny the fact that just near the walled town of Bannu and within a stone's throw thousands of your troops are quartered. Your tanks, your airships, your cavalry, your artillery and your infantry is all quartered close to the walls of Bannu. They cannot deny the fact that on the 23rd of July at 8-30 P.M. a lashkar of 300 persons entered the town of Bannu quite close to where their military is stationed, that at least for a period of three hours they were in possession of Bannu, and they were shooting down innocent persons and setting fire to property. What did your army do while Bannu was burning? What were you doing there? You were fiddling idly. Your Deputy Commissioner did not even stir out of his house while all these three hours the town was being burnt and people were being shot down. This shows what you have come to. You are afraid to stir out of your bungalows while you claim to defend us. The Additional Superintendent of Police, a British officer, who was in the town, when he saw the raiders shooting people and burning shops, did not come to the place where the raiders were but took a circuitous route round the city walls and came to the scene after the raiders had left after killing about a dozen people and setting fire to about 28 shops and burning property worth lakhs of rupees.

**Sir Aubrey Metcalfe** (Secretary, External Affairs Department) : Sir, on a point of order, is the Honourable Member permitted to make personal attacks on officers and to state what he describes as facts which are entirely contradicted by the reports we received from the Provincial Government?

**Mr. Abdul Qaiyum** : I will reply to this point of order. Can the Honourable the Secretary of the External Affairs Department deny that the Deputy Commissioner of Bannu was present in his bungalow which is half a mile from the town, that he did not come out of the bungalow in spite of the fact that he was rung up three times and he did not stir out of it? I am making that statement of fact. The Honourable Member can contradict me if I am wrong but if what I am stating is true, there can be no point of order in it. I challenge him to prove that I am wrong.

**Sir Aubrey Metcalfe** : I have no knowledge of the Deputy Commissioner and I was not speaking about him. What I was speaking of is the Assistant Superintendent of Police who, as the Provincial Government has reported, was on the spot at the earliest possible moment.

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the Honourable Member had better leave out those two officers. The Honourable Member must remember that while he is perfectly entitled to allude to a case like this he is not entitled to discuss any particular incident. He is quite entitled to say that in a particular case the Indian army did not in his opinion do their duty as they ought to have done, but to go further and discuss every incident like that will be impossible.

**Mr. Abdul Qaiyum** : All right, Sir. I will not refer to individual officers, because it upsets the Honourable the Foreign Secretary....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot discuss particular cases like that.

**Mr. Abdul Qaiyum** : But I will discuss one thing, the Frontier Constabulary of which he is in charge, and I can assure the House....

**Mr. President** (The Honourable Sir Abdur Rahim) : I cannot allow that. If I allow that, there is hardly any limit to this discussion. The Honourable Member may say that the Constabulary or any other force which is part of the Indian Army is not discharging its duties in the manner which the Honourable Member thinks they ought to do. But it is another matter to go on discussing particular officers or cases in any detail : it is not relevant.

**Mr. Abdul Qaiyum** : The Frontier Constabulary, I contend, is part of the army.

**Sir Aubrey Metcalfe** : It is not.

**Mr. President** (The Honourable Sir Abdur Rahim) : Even if it is I cannot allow it. On an appropriate occasion when there is a vote on it, it can be discussed, not now.

**Mr. Abdul Qaiyum** : I think I have upset the Honourable Members on the other side too much : but I can state that these raiders passed very near the constabulary forces with banners flying, they were marching as if they had no fear of anything in the world ; and this constabulary did not lift its little finger to stop their onward march to Bannu. This proves that whenever occasion has arisen all this army of yours is of absolutely no use whatever to the Indian taxpayer. On the frontier when some years ago a young Englishwoman, Miss Ellis, was kidnapped by Ajab Khan, this army moved heaven and earth and they led an expedition and burnt many houses and did all sorts of awful things that they could to tribesmen who had absolutely nothing to do with the kidnapping of this girl : but in this case Indian lives and property were affected ; and it proves clearly the fact that this army is being kept for imperial purposes and for looking after the safety of Britishers in India : it is not there to look after the safety of the people who pay for this army, and who pay for the Honourable the Defence Secretary and the Honourable the Foreign Secretary. You are here to harass the Indian people. The primary duty of the army is to look after the lives, the liberties and the property of the Indian people ; but whenever occasion has arisen, whenever your British interests have been attacked you have been only too ready to use this army ; but when Indians have been shot in cold blood, when Indian property has been burnt mercilessly, this army of yours has not moved a single finger to protect our people. So, I appeal to this House that this is not an army of which any Indian can be proud or for which he can have any feelings of affection.

Now, I will come to one other thing. As I remarked yesterday, in this army there is terrible discrimination against Indian officers. In this connection I will give some very interesting instances to show why Indian officers are leaving this army in greater numbers, and why they are being forced to leave the army. There is absolutely unfair discrimination against Indian officers, and when these people are consequently forced to leave the army, the military high command come forward and say : " Oh, the Indians are unfit for military careers : the right type of person is not available : even though we are anxious to Indianise the army completely, we cannot get the right type of person." Sir, I will

[Mr. Abdul Qaiyum.]

give you some of the grievances from which the Indian officers are suffering. I want to ask the Honourable the Defence Secretary firstly, what happened to all those Indian officers who gave evidence before the Skeen Committee and were opposed to the Indianisation of the Eight Unit Scheme. Just compare those names before the Skeen Committee with the current Army List. Secondly, I want to ask from the Honourable the Defence Secretary whether in British military hospitals nurses before they come out to India have to sign an agreement whereby they agree to nurse and tend the British troops only ; and that being so, on a good many occasions such nurses have refused to serve Indians who are admitted into British military hospitals. Then again, will the Honourable the Defence Secretary call for statistics and show to the House how many wives of Indian officers in confinement, needing maternity help, have been treated in the female wards of British military hospitals or for any other diseases. Will the Honourable the Defence Secretary say how many clubs there are in India which do not allow Indians with King's Commission to become members of those clubs ? Do you think it is conducive to good feeling and comradeship that such inferior treatment should be offered to Indian officers by their own brother British officers ? I also want to know how many commissioned officers have trained or prepared, as laid down by the King's Regulations, and Regulations for the Army in India, Indian officers to pass their promotion examinations. Lastly, Sir, I have one more grievance, the disparity of pay between the Indian Commissioned officers and those from Sandhurst. The work which they have to do is practically of the same nature ; but the difference in pay is almost twice : the Indian officer has to keep up equal position, pay the same mess bills and club bills ; and yet he is expected to make both ends meet. Why is it also, Sir, that the worst stations are allotted to Indianised battalions, like Kamptee, Multan and others on the Frontier ? I want also to know why is it that all those senior officers who are due to command battalions in India were got rid of on one excuse or another and were thus induced to leave the army and the result is that a lot of them have left and there are no Indians who are considered fit by the Honourable the Defence Secretary to hold positions of command. There is also a difference in the allowances given to Indian officers and to British officers. As my Honourable friend, Mr. Asaf Ali, tells me, it is ten annas a month for the Indian while it is six annas a day for the Britisher.

Now, Sir, there is one more thing of which I wish to remind the Honourable Members of the Government sitting on the Benches opposite. As a Muslim I tell you that we have got a number of grievances against you and against the policy which you have been pursuing in the Jazirat-ul-Arab. We strongly object to the regime of repression which you have launched in Palestine ; we strongly object to the deliberate attempts made by you to bring about the utter extinction of the Arab race in Palestine. We take the strongest possible exception to your enslavement of Iraq which, according to the Muslims, forms part of the Jazirat-ul-Arab ; and as long as this policy is adhered to by you, I assure you that no self-respecting Muslim will be willing to enter your army or induce other people to join your army. I would in this connection remind the Government of the resolution which was passed at the



Khilafat Conference on July 30th, 1921. I will read the relevant words of the resolution :

“ This meeting of the All-India Khilafat Conference declares that so long as the demands of Indian Muslims regarding the integrity of the Khilafat and the preservation of the sanctity of the Jazirat-ul-Arab and other holy places.... ”

**Mr. President** (The Honourable Sir Abdur Rahim) : What has all this got to do with this Bill ? There will be no limit to the discussion if I were to allow all this.

**Mr. Abdul Qaiyum** : All right, Sir : I will come to the really relevant resolution :

“ In addition this meeting clearly proclaims that it is in every way religiously unlawful for a Mussalman at the present moment to continue in the British Army or to induce others to join the army and it is the duty of all the Mussalmans in general and the Ulemas in particular to see that these religious commandments are brought home to every Mussalman in the Army.”

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not relevant.

**Mr. Abdul Qaiyum** : What I am submitting for the consideration of this Honourable House is that the conditions which then existed still hold good, that we have got the same grievances against you and we are bound to carry out the dictates of our religion which demand that we should have nothing to do with your army and that we have a right to induce people not to join in any army which is being used for the enslavement of India and for the destruction of the liberty of Mussalmans. We will not be parties to it. If you want to bring this law, you may be able to carry this measure ; there may be some people who may be willing to give their vote to you. But I assure you that this measure is not going to succeed in the end ; the object of the measure will be defeated : it will in fact defeat its own object.

Now, Sir, I will tell you one thing in the end. How long are you going to bank upon the Punjabi Mussalmans ? The Sikhs are already wide awake ; they are not going to join your army. They are conscious of your policy ; they are also conscious of the fact that your policy is directed against the Indian nation and Indian nationalism. How long are you going to trade on the credulity of the Punjabi Mussalmans ? Sir, it has been remarked that it was the Premier of the Punjab Government who brought to the notice of the Government of India the fact that recruits were not forthcoming in sufficient numbers. May I remind the Honourable the Defence Secretary that I had occasion to attend a conference in the Punjab at which a nephew of the present Premier of the Punjab sponsored a resolution to the effect that we shall not take part in any future war in which Britain might be engaged, and that we should reserve to ourselves the right to decide whether we should participate in that war or not, and the people from the Punjab would not be forthcoming to give recruits to the Government as they did in the last war ? That resolution was moved by no other person than Nawabzada Mahmud Ali Khan who is a nephew of the present Premier of the Punjab.....

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : He is not a nephew of the Premier.

**Mr. Abdul Qaiyum** : Yes, he is.

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the Honourable Member should leave out the relationship. Supposing he is the nephew of somebody, he cannot introduce such relationship when speaking on the Resolution.

**The Honourable Sir Muhammad Zafrullah Khan** : He is neither a sister's son nor a brother's son of the Premier. That is the definition of a nephew.

**Mr. Abdul Qaiyum** : I understand he is the son of Nawab Muzaffar Khan, who is the first cousin, of the Punjab Premier.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is casting aspersions on everybody ; he must not do it.

**Mr. Abdul Qaiyum** : Sir, I must state my point of view, but if the Chair thinks I am casting aspersions, then I shall not say anything.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot bring in the relationship of other people who have nothing to do with the Resolution before the House.

**Mr. Abdul Qaiyum** : Well, Sir, Nawabzada Mahmud Ali Khan belongs to Waha from which place the Premier of the Punjab comes.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not in order. He must withdraw his remarks.

**Mr. Abdul Qaiyum** : All right, Sir, I will withdraw my remarks, but that does not matter. Anyway, I will say this that a resolution was moved by a Punjabi Mussalman called Nawabzada Mahmud Ali Khan to the effect that the Government of India need not bank on the credulity and the simplicity of the Punjabi Mussalmans for a very very long time, and that if and when Great Britain engages herself in a war, in the future, we should reserve to ourselves the right to decide whether it is a righteous war, and that if we consider that that war is not a righteous war, we should also reserve to ourselves the liberty of action for not joining it. I may also add for the satisfaction of the Honourable the Defence Secretary that if we consider that the war which may be waged by Great Britain is for aggressive purposes, for purposes of land grabbing and aggrandisement, we will reserve to ourselves the right to tell our people not to join the army and play the mercenaries for British Imperialists.

Sir, I will now sum up what I have stated before. We have the strongest possible objection to this very mischievous and dangerous Bill.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not repeat what he has said already. I will not allow him to repeat himself. He has already placed his arguments in full before the House.

**Mr. Abdul Qaiyum** : I think many speakers who preceded me did sum up in the end.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have given my ruling, and the Honourable Member must not repeat what he has already said.

**Mr. Abdul Qaiyum :** All right, I will not sum up, but I will say this, that we take the strongest possible objection to this most mischievous and dangerous Bill which the Honourable the Defence Secretary has brought before this House, and we should try our best to throw out this measure. I appeal to all elected Indian Members of this House,—because it is no use appealing to Nominated Members as they have to follow the behests of the Government,—I appeal to all elected Indian Members of this House in general, and to the Mussalman Members in particular, because the Indian army has always been used to crush the liberties of the moslem nations,—to help us in throwing out this most obnoxious measure and in defeating the purpose for which it is intended.

**Sir Aubrey Metcalfe :** Sir, I have listened to a great many arguments put forward by my friends on the other side against this Bill. I must confess that most of those arguments strike me as either completely irrelevant to the point at issue or to be based on a complete disregard of the facts of the situation which confront us.

I do not propose to enter into any arguments with my friend, Mr. Satyamurti, as to the merits or demerits of the British Empire, but I would like to say that I should regard it as an insult to his intelligence to imagine that he really believes that the disappearance and conquest of one Empire by another power would lead to the disappearance of all spirit of aggression from world politics. That I cannot believe.....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : I rise to make a personal explanation, Sir. When I talked of Imperialism, I meant all kinds of Imperialism, whether British or otherwise.

**Sir Aubrey Metcalfe :** That leads me, Sir, to the next point, and it is a very convenient interruption.

I do not know what Mr. Satyamurti and his friends mean by Imperialism, but I can only imagine that they mean the desire of stronger nations to exploit weaker nations for their own benefit. Well, Sir, if Mr. Satyamurti and his friends consider that that desire is the exclusive privilege of the British Empire of the present day, then I can only say that they are labouring under a complete misapprehension. I will not, however, attempt to dwell on the larger international problems. It does not seem to me that is for the moment the problem before us. Our immediate problem is what is necessary for India's own safety. Now, we have been told by my friend, the Honourable the Home Member, that this propaganda, if it is allowed to continue unchecked, will produce a position in which recruits will not be forthcoming, and the position will eventually arise in which India will have no army at all with which to defend herself. What would be the position if India had no army ? I am in some doubt as to what answer my friends opposite would give to this question. Mr. Satyamurti and other speakers have suggested that they would like a truly Indian army containing no foreign element. They have also suggested that they would like a position in which any army that India had could be used exclusively in accordance with the wishes of India. Exactly what he means by India, I am not sure, but I imagine that he means the predominant political party.....

**Mr. S. Satyamurti :** By the wishes of the people of India, I mean naturally, those of the party which governs India.

**Mr. M. Asaf Ali (Delhi : General) :** That is so everywhere.

**Sir Aubrey Metcalfe :** Lastly, Mr. Satyamurti has suggested that he would like to rely on the gospel of pacifism preached by Mahatma Gandhi. There are these three propositions, and with the first two, I entirely agree with my friend, the Honourable the Home Member, that everybody here must have great sympathy. But on the third, I do feel that I must join issue with him. What I wish to make clear is that India must have an army for its own defence quite apart from anything which may be called imperial purposes. The defence of India's frontier alone is a job which must be carried out, to my mind, by force. We cannot rely on the ideals of pacifism to defeat the potential enemies on India's land frontiers. It has extensive land frontiers. Some of them, I quite admit, are protected by geographical conditions and are comparatively invulnerable.....

**Mr. Abdul Qaiyum :** May I know who are the enemies on the land frontier ?

**Sir Aubrey Metcalfe :** I said potential enemies, but I will answer my Honourable friend's question a little later. Although those geographical barriers protect certain parts of the frontier, there are other parts which are definitely vulnerable. The one which I shall deal with most, since it is the one which excites the most interest especially in the mind of my friend, the Member for the North-West Frontier Province—I am doubtful whether I can refer to my "friend", after some of the remarks which he made last night, perhaps I should say my enemy. However.....

**Mr. President (The Honourable Sir Abdur Rahim) :** It is only a parliamentary convention.

**Sir Aubrey Metcalfe :** I am afraid from his side it has become completely conventional.

**Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) :** There is no liability attached.

**Sir Aubrey Metcalfe :** There are other parts of the frontier where India certainly could not depend entirely on soul force for her protection from disaster, but even so, I will deal principally at the moment with the North-West Frontier as it is at present. I am quite aware that my Honourable friend and others who think like him are accustomed, day in and day out, to attribute all our difficulties on the North-West Frontier to the aggressive policy of the Government of India. Well, it is very easy to say that, but any student of the facts, who will look at the history of the last 50 or 60 years, will find a very different picture indeed. He will find a Government constantly striving to protect, with varying success, the peaceful population of the administered districts from the attacks of predatory and hungry tribes. It was tried for many years to remain inside the administrative border and to deal with these tribesmen mainly by defensive measures and by occasional punitive expeditions into their territory. That policy was eventually found to be completely unsuccessful and anybody who takes the trouble to read the debates in this House of some 18 or 19 years ago will find that constant

complaints were being made, desperate speeches were delivered here as to the state of affairs in the Settled Districts while we remained inside the administrative border. It was, therefore, tried as an experiment to deal with the matter in a more comprehensive way and what my Honourable friends call a forward policy was started. I maintain, and I know that facts will bear me out if anybody chooses to study them, that for several years, for perhaps 13 or 14 years that forward policy was, at any rate, a modified success. The districts were free from raiding, there were practically no raids or kidnapping. The tribal areas began to settle down and it really looked as if the tribesmen might be prepared to change the arts of war for the arts of peace. What happened then? When the present regrettable disturbances started which, unfortunately, still continue, who was responsible? I know my Honourable friend will say, the Government, but the facts are absolutely different. There was no aggression from Government, no further extension of the forward movement.

(At this stage, Mr. Abdul Qaiyum rose in his place.)

I have listened for half an hour and more yesterday to my Honourable friend without interruption and I think I can now rely on him not to interrupt me.

**Mr. Abdul Qaiyum :** You were waiting for a question, and so I stood. Otherwise I will not interrupt.

**Sir Aubrey Metcalfe :** What I was saying was that the present disturbances were in no way caused by any forward movement or aggression by Government. They were entirely due to a movement started among the tribes themselves who made an attempt to interfere by violence with a judicial decree which had been passed by the ordinary courts of British India. A demand was made by the tribesmen under a certain leader whom we all know, that this judicial decree should be reversed. As far as I know, that is still the demand which underlies the Faqir of Ipi's hostility to the Government and his refusal to make peace, and any negotiations which were undertaken by Government in the matter would have to have as one of their conditions the reversal of this judicial decree and permission to the tribesmen to interfere with our internal administration. I submit that is not a condition, not a demand which could be conceded by any Government which is responsible for the maintenance of justice in British India. I need not say more than that.

What I really wished to point out to the House was that forcible and fanatical interference with British India can only be prevented by the use of force and of military force, and that, therefore, an army is necessary. It is no good saying that you can deal with it by any other means. The fighting qualities of the enemy in that particular place alone are too well-known, I am sure, to most of the Members of this House, to make them think that anything but a well trained, well equipped and permanent army is necessary to defend the Indian frontier. It may appear possible to some of my Honourable friends who are a very long way from the frontier—I hope that I am not doing them injustice—it may appear to them that the threat or danger is so remote that that they are not very closely concerned with it. To them I would say that there have been cases when the internal peace, even,

[Sir Aubrey Metcalfe.]

I may say, of the Madras Presidency, has been disturbed within recent years to an extent that required a considerable military campaign to restore law and order. Let them remember that, when they think that the frontiers are so remote that they are not concerned with this danger.

What I wish to do is to ask the House to consider very carefully the external dangers which threaten India before they reject this measure. The rejection will mean not only, we are told, the condonation but even the encouragement of propaganda which may, if it is permitted, leave India without any force to protect itself.

There is one point which I desire to make before I conclude, which is, to protest against some of the remarks which my Honourable friend, Mr. Abdul Qaiyum, thought fit to make last evening. There were one or two things he said this morning against which I protested at the time, but about them I would merely say that the reports which we have received from the Provincial Government regarding the Bannu raid do not indicate any lack of proper work on the part of the Indian army or of the local officials. Those reports do indicate, on the other hand, that the raid was largely carried out, not by trans-border men at all, but by local people who entered the city in the wake of the outlaw Mehr Dil. I do not, however, wish to dwell on that point because the information is still incomplete, but I think it would be unjust to allow Mr. Abdul Qaiyum's strictures of the local forces and local officials to remain completely unanswered.

**Mr. Abdul Qaiyum :** On a point of order, Sir. Will the Honourable the Foreign Secretary publish those despatches which he has received from the Local Governments—whether they were from the Agent to the Governor General or whether they were from the Provincial Government ?

**Mr. President** (The Honourable Sir Abdur Rahim) : It is not a point of order.

**Mr. Abdul Qaiyum :** Yesterday you were pleased to rule that the Defence Secretary could not refer to certain documents without producing them and you were pleased to stop him from referring to certain documents when he was speaking.

**Mr. President** (The Honourable Sir Abdur Rahim) : Sir Aubrey Metcalfe was not referring to any documents at all.

**Mr. Abdul Qaiyum :** He was referring to despatches.

**Sir Aubrey Metcalfe :** The other point that I do wish to make with some reluctance but which I feel must be made is this. I have sat in this House now for over six years and it has never been my misfortune to listen before to such virulent abuse of my country and my countrymen as I listened to last evening from Mr. Abdul Qaiyum.

**Mr. Abdul Qaiyum :** You will hear more.

**Sir Aubrey Metcalfe :** There is a limit even to my endurance at this kind of speech and I could not help feeling some indignation at the expressions of violent and illogical racial hatred which Mr. Abdul Qaiyum indulged in.

**Mr. Abdul Qaiyum :** I strongly object to these remarks.

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the Honourable Member's speech did give that impression. The Honourable Member for Government is quite justified in his remarks.

**Sir Aubrey Metcalfe :** That his speech was violent I do not think that anybody can deny for one moment. He almost went to the length of inciting people round him to make a violent attack on the occupants of these Benches at the moment.

**Mr. S. Satyamurti :** That is very unfair.

**Sir Aubrey Metcalfe :** I also maintain that his arguments were illogical and inconsistent. At one moment our friend posed as the apostle of pacifism and at the next moment he announced his intention of declaring war on Great Britain. I quote his actual words. Again at one moment he declared that Great Britain had made cowards of all Indians. At another, he said that Indians were still so brave that even unarmed and untrained they would fight in defence of their country. Therefore, they require no army.

**Mr. Abdul Qaiyum :** I was talking of the frontier tribes.

**Sir Aubrey Metcalfe :** Soon after that, he complained that Britain was responsible for destroying all liberty in the world and almost in the same breath he indulged in a license and liberty of speech which I think was almost unparalleled in this House.

I should like to make it clear that in making this protest I am not in the least actuated by a desire to introduce any element of heat into this debate. I merely wish to express a natural indignation which I am quite sure that no Indian friend of mine would have failed to feel if his country had been attacked in the words which Mr. Abdul Qaiyum used last evening.

My second point and my last is this—that I should like to point out to the House that any case which rests purely on violent invective and not on reasoned argument must be an extremely weak one. I hope that the House will bear this in mind when they vote on this Bill.

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : Mr. President, the motion for circulation moved by my Honourable friend, Mr. Satyamurti, has been supported by several speakers in this House on various grounds. The grounds which have been urged in favour of the motion when analysed and epitomised will fall under four main heads, firstly, that the proposed legislation if passed will be an undue interference with the civil liberties of the people of India, secondly, that it will stifle and penalise pacifist activities and stand in the way of the development of non-violence as a cult and a faith, thirdly, that it will tend to promote the imperialistic designs of Britain by providing her with an army which will be used for the imperialist aggrandizement of Britain in which India is not interested and to which India

[Syed Ghulam Bhik Nairang.]

is opposed and fourthly, that it would be particularly opposed to Islamic interests because the entire history of British imperialism proves that it has been all along engaged in the destruction and dismemberment of Islamic Empires and Kingdoms and even at the present moment is engaged in carrying on a most brutal, savage and sanguinary campaign in Palestine and nearer home in Waziristan. These are the four heads under which the arguments can, I think, be analysed. With your permission I will offer a few observations under these four heads in the reverse order.

With regard to the Muslim interests, a good deal has been said from the side of the Congress Party, with the object, I am afraid, of provoking Muslims in this House to vote against the Bill. Without appealing to their reason, an appeal has been made to their sentiments. The fact is that all that has been said about the anti-Islamic activities of Britain is, unfortunately, only too true. There is no concealing or disguising that fact and we must clearly declare that we do not challenge the assertions of fact, as far as facts are concerned, but we only want to consider the relevancy of those assertions and those facts to the issue before this House. No indictment, as Maulana Zafar Ali Khan also showed, can be strong enough to sufficiently and deservedly impeach her for all she has been doing to destroy Muslim Empires and subject Muslim nations to slavery in order to promote her own imperialistic designs and satisfy her own earth hunger. That is only too true. But the question is—are those things really relevant to the issue before this House, which to my mind is a very simple one? As the Defence Secretary in putting his motion before the House for the consideration of this Bill put it, there is war danger ahead. That cannot be denied; and in view of the war danger ahead, I think all reasonable people must admit that India has to keep herself militarily strong enough to meet eventualities; and if, in the event of war breaking out, she is not found equal to the task, the country will surely suffer. Neither Hindus nor Muslims nor any other communities inhabiting India will escape the consequences. There will be no question in those circumstances, whether it is the Muslims who should be shot down and trampled upon or the Hindus or the Sikhs or the Parsis or the Jains or any other community. Now if war breaks out, then I think my Honourable friend, Mr. Satyamurti, does not expect Britain to tell India, “I am attacked by such and such an enemy on such and such a front outside yourself and very far away from you. I take my white troops there and defend myself and leave you to defend yourself when necessary with the help of the Indian troops and Indian officers. God help you, I am off”.

**An Honourable Member :** Welcome !

**Syed Ghulam Bhik Nairang :** If Britain adopts that attitude and that line of action, I certainly think India will be exposed to the greatest danger. It is not owing to lack of valour or courage in myself or want of faith in the courage and valour and patriotism and resourcefulness of my countrymen that I entertain that apprehension. It is as a practical man of the world, as a realist keeping his sentiments, desires and feelings under the guiding control of his intellect, that



I feel constrained to take that eventuality into consideration. I picture it like this to myself. A world war breaks out. Mother India says to Dame Britannia, "you faithless, heartless, conscienceless old hag ! Do what you can. I am not going to help you with either men or money. I am fed up with you. My worthy children Messrs. Satyamurti and Abdul Qaiyum have been wistfully waiting for this auspicious day when you will go to wreck and ruin and I congratulate myself that I have lived to see this day dawn on my worthy children. Avaunt !" Dame Britannia, with tearful eyes and a throat choked with emotion, says, "All right, dear sister, I consign you to the care of God and go". Exit Britannia, enter Russia *via* the Khyber Pass Japan *via* the Bay of Bengal by sea, or from the north-east by land, and some other would-be unselfish friend, protector and guardian of the Indian people by some other route. Messrs. Satyamurti and Abdul Qaiyum proclaim a red-letter day in the calendar of India, because the hated Britain is off. They mobilise all the violent and non-violent armies of India and fight the invaders on the various fronts,—the violent battalions acting on the orthodox military code inherited by them from the Satanic Government which has just walked out, and the non-violent regiments carrying on a relentless bombardment of the enemy with pacifist lectures, leaflets and pamphlets and dropping on the invaders bombs of peace and fraternity, and love from aeroplanes.

**An Honourable Member :** And also the "sermon on the mount".

**Syed Ghulam Bhik Nairang :** And also the "sermon on the mount". The result can be easily imagined and need not be described. It is, therefore, clear that an army is a necessity, howsoever unpleasant, disagreeable or intolerable its existence may be. We consider ourselves most unfortunate in being under the yoke of an unsympathetic, callous, selfish, rapacious foreign nation, but, Sir, situated as we are, we cannot ignore the stern and inexorable reality that the safety of India and that of the British Empire are bound together. (Interruption.) But that is a reality. We must, therefore, maintain and further strengthen our army in the interests of India. If and when an attempt is made to use the army for anti-Islamic purposes or purposes in which India has no interest, we can then take all necessary steps to see that the army is not so used.

**An Honourable Member :** How will you do that ?

**Syed Ghulam Bhik Nairang :** You will see. I am not expected to disclose my cards today.

**An Honourable Member :** Are there any cards ?

**Syed Ghulam Bhik Nairang :** There are. The third point was the very sure and certain connection that there is alleged to be between strengthening the Indian army and the Imperialistic interests of Great Britain. There again it is not necessary to prevent the attempts which may be made, in view of certain apprehended dangers, to strengthen the army and to develop it. We should rather be glad and make our armies stronger, more developed and more mechanised and all that, and when the occasion comes we should then determine how to use the army.

**Mr. S. Satyamurti :** Is it in your hands ?

**Syed Ghulam Bhik Nairang :** I listened to a most enlightening and illuminating speech of the Honourable Mr. Satyamurti for three-quarters of an hour and he can also listen to me for five minutes without interrupting me. It is then that the question will arise how to use the army. But if you have got no army, if propaganda is allowed to be carried on against enlistment in the army, and no army can come into existence at all, then, as my Honourable friend, Khan Bahadur Nur Muhammad, said, "what will you Indianize when the army is not there?" My Honourable friend, Mr. Satyamurti, said that he wanted a national army. Well, where will that army come from if the present army gradually dwindles away and disappears from existence? On the other hand, if our nationals enlist in the army, and we succeed also in the plan to Indianize the army for which we have been shouting for nearly half a century, then there will be a real army for India to boast of. And then, at the moment when the question of the use of the army crops up, we can assert ourselves and say that for such and such purposes our army can be used and for such and such purposes the army shall not be used. (Interruptions and Laughter.)

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : He laughs best who laughs the longest.

[At this stage, there was laughter, and the Honourable Member also indulged in a loud laughter.]

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member must not make noise in that way.

**Mr. Sri Prakasa :** The Honourable Member must withdraw his laughter.

**Syed Ghulam Bhik Nairang :** Sir, all these gentlemen on this side

1 P.M.

of the House are my friends and I do not mind or resent their interruptions. I only tell them to listen to me. Only the other day we censured the Government for saddling India with an expenditure of about two crores of rupees a year in connection with the British army quartered in India which, we said, would eventually mount up to four crores of rupees a year. We put in a strong protest and we passed a censure motion against the Government. Incidentally, we also urged that Indianization is being impeded and it is proceeding at a pace at which it is not expected to be completed within any reasonable period of time. It will take about a hundred or more years to completely Indianise the army at the present pace. Our policy, on the one hand, is to Indianise the army and, on the other hand, we stand in the way of recruitment and make every effort to see that nobody joins the army. We say all the time that this army is being recruited and trained and maintained only for Imperialistic purposes forgetting that India is also a very important pawn in the Imperial game. India has got to be defended ; India has got to be kept safe and immune from foreign invasion. So, if we do not have an army, we shall be acting against our own interests. Suppose England finds that our pacifists and patriots go about and tell the people not to join the army, then naturally the Indian part of the army will be reduced in number. They will say that India is not safe and, therefore, they will send more British troops to India and thus increase the army expenditure

by another two crores. That will be a very unbearable economic drain on India. In such an eventuality, my Honourable friends will give Britain an excuse for increasing the number of British troops in India. Therefore, I say, that instead of opposing the Bill tooth and nail and instead of making an attempt to see that the Bill is nipped in the bud, we should really make an effort to so amend and modify the provisions of the Bill by making amendments as to make it least harmful to genuine public interests and useful to the real requirements of the military administration of India.

Now, as to the point of non-violence and all that, I think that will be a delicate ground for me to tread upon. It may perhaps offend some of my Honourable friends in this House if I were to underrate in any way the cult of non-violence. (*Voices* : " You go on.") I will rather not discuss it. It may be taken that I am a great religious fanatic or bigot, but, anyhow, it is well-known that non-violence is not believed in universally. Howsoever desirable it may be under certain circumstances to be non-violent, we cannot always afford to be non-violent. In fact, I cannot imagine how, if we all become universal votaries of non-violence, we shall withstand an invasion of India by any foreigner, or how we can, in the event of a struggle ensuing between us and our present rulers, manage to expel them from India ? So, really speaking, it is not in the interests of India to have that cult of non-violence universally adopted and adhered to. Constituted as we are at the present moment, we have got both violent and non-violent people among us, and we must continue to be so constituted. As to interference with the civil liberties of the people, there is no doubt that everyone of us would like to stand by the civil liberties of the people, but really we do not know under what circumstances some of us would like to support the cause of civil liberties and under what other circumstances they would act in the other way. I was surprised yesterday to see two items of news in the *Hindustan Times*. In Madras, a certain gentleman, Mr. T. T. Krishnamachari, has introduced a Bill in the Assembly for the repeal of the repressive laws, and the Congress Party in the Assembly, under the presidency of Mr. C. Rajagopalachari, the Premier, has passed a Resolution to oppose that Bill. Now, evidently this is part of the same Congress policy which is now being maintained all over India, at least in those provinces which are governed by Congress Premiers and Congress Ministries. If in a province where they have got an autonomous Government, they do not like to repeal the repressive laws and decide firmly and solemnly to oppose a Bill introduced by an Honourable Member of the Madras Assembly for the repeal of the repressive laws, then with what justification can the Congress Party in this House say that this Bill will be an encroachment on the civil liberties of the people of India ? Not only that, I find that there is a speech of Mr. C. Rajagopalachari reported in the *Hindustan Times* of the 16th August, 1938, at page 9. We all know that an anti-Hindi agitation is going on in Madras, where the Government have made it compulsory to introduce Hindi in the education of the Madras people. This is how Mr. C. Rajagopalachari's speech is reported :

" Both the Houses of the Madras Legislature had after a full consideration decided in favour of introducing Hindustani, and, if we shirk our duty to translate the verdict, we do not deserve our place in the Government ', declared Mr. C. Raja-

[Syed Ghulam Bhik Nairang.]

gopalachari, Premier, addressing a huge gathering this evening at the Tilak Ghat, organised in support of the Madras Government's decision to introduce Hindi in secondary schools. The Premier said that the agitation would have stopped fifteen days ago, had not some people begun discussing the feasibility, or otherwise, of using the Criminal Law Amendment Act in putting down this anti-Hindi agitation. Having accepted Provincial Autonomy and governance of the province with all its limitations, the Premier affirmed, they had every liberty to make use of all the weapons in their power."

Then, further down the report says :

" Mr. Rajagopalachari, justifying the use of certain sections of the Criminal Law Amendment Act...."

And, mind you, this is that Act which in 1935 all of us combined to throw out at the consideration stage. We refused to consider it. The analysis of voting in the printed debates will show that our Party was at one with the Congress Party in the attitude taken up with respect to the Criminal Law Amendment Act and it is about that Act that Mr. Rajagopalachari says this.

**Sardar Sant Singh** (West Punjab : Sikh) : Was that attitude wrong ?

**Syed Ghulam Bhik Nairang** : Listen to what he said.

The Premier of Madras justified the use of certain sections of the Criminal Law Amendment Act and said that his Government was second to none in their condemnation of the Act. They say in Urdu :

" *Meetha meetha hap : karwa karwa thu.*"

All the sweet swallowed : all the bitter spat out.

But the Madras Premier goes a step further. He spits out and swallows the same thing at the same time. He further says that in the absence of a ready made alternative Swadeshi Act (I may call it a Khadar Act) to check unlawful activities of a handful of disgruntled agitators, the Government if it was to rule and function properly was bound to use such sections of the Act which they would ordinarily use even when there was not the present Criminal Law Amendment Act.

Now, Sir, I find in today's issue of the *Hindustan Times* the heading "Blowing hot and cold". This is how the speech of my Honourable friend, Maulana Zafar Ali Khan, was dealt with in the *Hindustan Times*. He was described as blowing hot and cold, because he agreed with the Congress Party and at the same time disagreed with the Congress Party. He condemned the British and yet upheld them. That was the gist of the heading : 'Blowing hot and cold'. I do not know whether the attitude of the Premier of Madras is not blowing hot and cold. I will not comment any further on what Mr. Rajagopalachari thought fit to say. He may be justified in what he says. I am not commenting on that. But I will certainly comment on the attitude of the Congress Party. Here, in this House, they tell us to join them in opposing this Bill because it curtails the civil liberties of the people ; but in Madras the Congress Party oppose a Bill which seeks to restore the civil liberties of the people. We do not know with whom to chum, with the Congress Party or with the Government. We are, therefore, taking up an independent attitude. We do not care for the Government, nor for the Congress

Party. That attitude is typified in the amendment tabled by Khan Bahadur Shaikh Fazl-i-Haq Piracha. And, I may say, we shall certainly be willing to consider and support some other amendments which may be necessary to make the measure less disagreeable, less drastic, and less harmful and yet to make it sufficiently useful for the purpose for which it is intended. With these few remarks, I am constrained to oppose the motion of Mr. Satyamurti for circulation of the Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Sardar Mangal Singh** (East Punjab : Sikh) : Sir, I come from a constituency which is overwhelmingly military and I come from a province which is responsible for the main composition of the Indian army. I would, therefore, be failing in my duty if I did not express the views of my constituents. I submit, Sir, that the issues raised by this Bill have been side-tracked during the course of the debate. No Honourable Member seriously contends that there should be no army in this country. The Honourable the Mover of the amendment, the Deputy Leader of my Party, made it clear in his speech that we do want a strong army to defend this country, that we want the best of our men to join the army....

**Mr. S. Satyamurti** : Sir, on a point of order, where is the Defence Secretary ? Has he withdrawn the Bill ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Probably he will be turning up in a moment.

**Mr. N. M. Joshi** (Nominated Non-Official) : Wait a minute.

**Mr. S. Satyamurti** : We cannot wait ; he must be in his place.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : We have only just started and there may be something which has detained him for a minute.

**Sardar Mangal Singh** : I submit, Sir, that the issue before the House is not whether there should be an army or not. Again, the issue is not whether we should defend our country by non-violent or other means ; The real issue before the House is whether the Indian army should be used for the protection of this country and to further the interests of this country or whether, as in the past, it should be used to subdue and crush the liberty of other nations, whether with our men and money they should send this army to Mesopotamia, Palestine and Arabia to shoot down the people there, and to further the interests of the British Empire. The Statement of Objects and Reasons says clearly that the Indian army should take part in a war in which the British Empire may be involved. We seriously contend that. I hold that we should have a strong army and our best men should go to the army and every Britisher, whether a private or an officer, should leave this country. Our army should be

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wholly and entirely manned by Indians and it should not be under the Defence Secretary who is not responsible to this House, but under a responsible Minister. At present the Defence Secretary is only responsible to Hore-Belisha, the Jew, who dictates the policy from England and is not responsible to us. But a responsible defence minister would be responsible to the legislature.

Then, Sir, during the last war we were told that they were fighting to make the world safe for democracy, but we all know now that it was made safe not for democracy, but for hypocrisy as has been proved by the proceedings of the League of Nations. Last time England took up arms they said to defend Belgium which was all hypocrisy and nonsense. Where was England when Abyssinia was raped and when China was attacked? A future war may be waged not in the interest of this country but to find markets for Lancashire goods, and are we to sacrifice our men and money for that purpose and for crushing the liberties of small nations? I am sorry my Honourable friends, Maulana Zafar Ali Khan, Maulana Shaukat Ali and Syed Ghulam Bhik Nairang have taken a different view. But I predict that the first victims of this Bill would be my Honourable friends there.

**An Honourable Member :** We are prepared.

**Sardar Mangal Singh :** I do not say you are not ready. But you are ready to oppose this Bill now. Then, Sir, the object of this Bill is to get more recruits. Although the Defence Secretary in his opening speech did not admit that the rate of recruitment has fallen, still the object of this Bill is, surely, to get more recruits for the army. Is this the best and only method to get recruits? Is there no other method except coercion and repression? I will remind the Defence Secretary as to how the British Government have proceeded in such matter. What Mr. Hore-Belisha did was to come before Parliament with proposals for improving the conditions of army service. That is the way to attract more recruits and have suitable men. But, by passing repressive laws, the Defence Secretary will surely fail in his object. What are the conditions in the Indian army now? They say that some people are dissuading other people from joining the army. But what are the attractions there? They have abolished the colour service and they have introduced the reserve system by which one who enlists in the army is made to retire compulsorily after seven years on a small pension. He is further required to go and take part in the parade one month every year.

Now, what is the position? A man gets a small pension, he cannot engage in any other profession and he is stuck up there for the whole of his life. So, when the people see that these men from the army have to be content with a small pittance there is no attraction in it. Sir, I come from amongst the people who feel the difficulties of the army people. Now, before this hoax of Indianisation began every villager who joined the army hoped that one day he would retire, as a jamadar or subedar. But under the new scheme of Indianisation the Government of India has abolished the Viceroy's Commissioned Officers.....

**Mr. C. M. G. Ogilvie** (Defence Secretary) : No.

**Sardar Mangal Singh :** I maintain that in the Indianised units you have abolished the Viceroy's Commissioned Officers, although the Honourable the Defence Secretary says 'no'....

**Mr. C. M. G. Ogilvie :** There are plenty of others.

**Sardar Mangal Singh :** If your scheme is to extend to other units, then gradually the Viceroy's commissioned officers will be abolished. This order will go, and I submit what is the inducement for an ordinary man to go into the army? This fact of the abolition of the order of Viceroy's commissioned officers has acted very unfavourably on men in the recruiting areas of the Army Department. Again, Sir, what is the condition of the pay and allowances and living conditions of Indian soldiers in barracks? Compare those conditions with those of the British soldiers. How much more pay do the British soldiers get than the Indian sepoy? I contend that the Indian soldier is capable of doing more work than the British soldier. Now, just see the disposition of the Indian army at this time at this hot season. Most of the British soldiers are now making picnics in the hills, while the Indian sepoys are rotting in barracks in the hot plains. I am reminded again, although the Honourable the Finance Member is very much enamoured of his 1/6 ratio—I would remind him that every British soldier and officer in this country gets his pay in £ s. d. and they are converted into rupees at the rate of 1/4. But, if after converting them into rupees at the rate of 1/4 they have to remit their money to their relations in England, then they do so at the rate of 1/6. So they stand to gain both ways. I wonder how much the Indian exchequer has to spend only on this account on the British army; and what a plethora of allowances is granted to the British soldiers? Only last year about Rs. 12 lakhs expenditure was added to the army budget for a fifth meal for the British soldier. There are people in this country who cannot get two meals a day, but here is a fifth meal added to the menu of the British soldier. The Indian soldier is, after all, a human being and when he sees the conditions of the British soldier and compares the conditions prevailing in his own barracks, it is only natural that there is dissatisfaction. There is resentment and there is a dislike on the part of the Indian people to join the army.

I, therefore, submit, if the Honourable the Defence Secretary is really keen to get good recruits—not the type of men who were mentioned by my Honourable friend, Sheikh Nur Muhammad,—that he should remove this racial discrimination. If the British soldier cannot live on the pay of an ordinary soldier in this country, then it is our right and our duty to demand from the Government of India that these British soldiers should be removed from this country. I will not say bag and baggage, because the bag and baggage is ours—they should be removed empty-handed from this country. Whenever there is talk of racial discrimination, my Honourable friend, the Foreign Secretary, gets up at once and complains: I honestly put it to you and through you to the Government of India: "What are you doing in the Indian Army? How much racial discrimination there is in the Army? Can you point out a single instance where the Indian is treated as equal of the Britisher?" It is a very serious charge which I bring against the Government of India. There was a time for a few years—through some mistake—the Government of India granted King's Commission to a limited number of Indians. When the number had gone up to 155 or 154, the British Government realised their mistake. There

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was agitation in the army that the British soldier would not serve under an Indian officer,—the British officer would not serve under the Indian officer. There was an agitation in the army that they are not prepared to salute a *kala man* an Indian officer. What was the position at that time ? About 155 officers were admitted to the army on King's Commission. They held equal rank with the British officers, and in the course of ten years more these officers would have been promoted to higher ranks. They would have been put in charge of battalions ; they would have commanded battalions and would have under them some British officers. So, in order to avoid that, in their hatred of Indianisation they abolished the King's Commission. I would be glad if the Honourable the Defence Secretary would contradict me. They devised a new method : they created an Indian Sandhurst at Dehra Dun and granted, not the King's Commission mind you, but an Indian Commission. This Indian Commission and the old King's Commission are entirely different things. Their pay is less, their status is less, their precedence is lower and they will not be allowed to command British soldiers and officers ; and, therefore, what do we find ? In 1932, in the beginning of the Indian Sandhurst, when it was very much boosted, the number of Indians who came forward for competition before the Indian Public Service Commission was, I understand, more than 250 I will stand corrected if I am wrong. What do we find now : What is the number of young men who come forward to join your Indian Sandhurst ? Last time I am told the number was only 60. Why is this downfall ? Why this decrease ? Have the military department of the Government of India ever seriously looked into this ? Why is there this decrease ? About two years ago there was a military conference, a sort of dummy military conference : I had the honour of sitting in that conference. We suggested several proposals to His Excellency the Commander-in-Chief. But I regret to say that none of our proposals was accepted ; and what is the result ? We told His Excellency the Commander-in-Chief at that time that if you continue at this rate, if you continue to treat Indian commissioned officers like this, the number of candidates that would offer themselves before the Indian Public Services Commission is bound to fall. The result is that from 300 we have come down to about 60. Wait till October next, and you will see that the number will go down further. What are you going to do except to sit in an office room, draft a Bill and come forward with it in this House ? Do you think if this Bill is passed the number of those candidates will increase ? Sir, I make special reference to this fact, because the future of the Indian army very greatly depends upon the success or failure of the Indianisation that is now being carried on. We have enough men, we have enough soldiers, but during the past century we have lost the military traditions, we have lost the military initiative, and military leadership because of the foreign occupation of this country. Sir, unless we develop military initiative, unless we create military leaders, military senior officers, the Indian army cannot be Indianised, and from this it will follow that unless the Indian army is completely Indianised and it is put under a responsible Indian Defence Minister, you cannot introduce self-Government in this country. Sir, this issue is very important. I submit that the Government of India, instead of bothering their heads with Bills of this nature, should have seriously taken up this matter, they should have taken into



their confidence Leaders of Parties in this House and devised a well thought out scheme by which the Indian army could be made more efficient. Sir, nobody in this House or outside it would seriously believe that we can do without an efficient army. I want a strong army to repel any invasion from outside from whatever quarter it may come, but I do not want that my countrymen should be sacrificed for the sake of others. That is the issue which is involved in this Bill.

Again, Sir, what is the condition of the Indian commissioned officers who go into the units ? Ask the parents whose sons have secured Commissions as to how they are being treated in the army. Although I do not stand for higher salaries,—yet we have to take into account the conditions under which our young officers have to live in the barracks,—they have to live side by side with a King's Commissioned officer whose salary is very much higher and which has been further increased by this new deal of Hore-Belisha. Our young commissioned officers have to live and eat in the same messes, they have to join the same clubs, they have to lead the same social life which is expected of the officers of the British army. Therefore, naturally since they get less pay, in course of time they are bound to get an inferiority complex. I contend, Sir, this is a very serious point. Either decrease the pay and allowances of all the officers,—I will not mind it, and put our young commissioned officers on the same footing and give them the same privileges, but we cannot afford to give more salaries to one class of officers and less salaries to another class of officers and expect them to maintain the same social and other standards. I would, therefore, submit, Sir, that the Government of India should go into these things, and instead of sponsoring a Bill like this, they should have invited responsible leaders of the country and asked them to co-operate with the Government to devise a scheme by which the Indian army could be made more efficient and stronger, so as to repel any invasion from outside. I can clearly perceive that there is panic behind this Bill ; there is some nervousness behind this Bill. Probably the Government of India feel that in case of a war they will not get a sufficient number of recruits. That is the fear, that is the doubt in their mind, because they are not sincere, because they have a guilty conscience. If they come forward like honest men and take the leaders of the country into their confidence, they will not need any legislation of this kind at all.

Then, Sir, another important point is to satisfy the people of this country. Why is this demand, why is this agitation carried on, why were there 280 meetings held in my province in which people have said,—I do not know, but the Honourable the Defence Secretary said it,—do not join the army. Sir, this is the first time when such a voice was raised, but why is this voice raised ? The Government of India, as responsible people, should have considered this point, but instead of that they have brought this Bill forward. Now, I ask, Sir, would this Bill help them in getting more recruits ? I submit, Sir, it will defeat its own purpose. This issue has been raised now by the Government of India. It would be taken up in all the provinces. And do you think that by providing two years' imprisonment in this Bill you will be able to terrify people ? Do you think you would be able to silence them ? No, Sir. What is the experience of the previous repressive laws ? They failed in their object, and similarly this Bill also would fail in its object.

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Then, Sir, if you really want to get recruits, do not come forward with Bills of this character, but go to the leaders, go to Mahatma Gandhi and tell him that you are in difficulties, that you want the assistance of this country and come to terms with the Congress, introduce responsible Government in this country, put the Army Department under a responsible Indian Minister. Then you will see that India will be your trusted ally. But, in this case, if you want to get recruits at the point of the bayonet, if you want to get recruits by passing this sort of repressive legislation, I say you will not succeed in your object. I submit, Sir, this is a wrong policy on the part of the Government of India, and they will not succeed in getting the right type of recruits.

Then, Sir, what would be the position if you pass this Bill? Even in this House several adjournment motions were disallowed by His Excellency the Governor General, several Resolutions were disallowed by His Excellency the Governor General on the ground that the discussion of certain subjects would be prejudicial to the peace, law and order of the country. Now, what has been the result of bringing forward this Bill in this House? Those very subjects have been raised and have been discussed. The Government of India by moving the machinery of the Governor General tried to silence this House and did not allow us to raise the question of the frontier tribal areas, Indian defence, conquest of Abyssinia or Palestine. But what has been the result? Here these very subjects have been discussed, speeches have been made on these very subjects, and the Government of India were helpless. Now, what would be the other result if you pass this Bill. Just imagine what would be the result in provinces like the United Provinces, the Central Provinces, Bombay or elsewhere where there are congress ministries? Do you think those ministries would sanction prosecutions under this Bill?

**Mr. C. M. G. Ogilvie :** Then, why worry about it?

**Sardar Mangal Singh :** You wait and see. I want to prove that your Bill would be entirely ineffective to get any recruit.

**Mr. C. M. G. Ogilvie :** Don't worry about it. Let it alone.

**Sardar Mangal Singh :** Yes, the Government of India probably have their eyes on my province. They probably don't care whether there is any recruiting in the United Provinces, the Central Provinces, or Bombay.....

**Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) :** They want men from the United Provinces also.

**Sardar Mangal Singh :** My friend perhaps knows more than my Honourable friend, the Defence Secretary. But the point I want to make is this. Supposing this Bill is passed, and in the provinces where there are congress ministries they don't take any action on this Bill, what would be the result? Why create such a condition in which the position of the Government of India and of the Provincial Governments may become.....

**Mr. C. M. G. Ogilvie :** We can do without your sympathy; don't worry about us.

**Sardar Mangal Singh :** I submit that the Government of India, instead of strengthening the army, would weaken it. I may be told that this measure would be used only against offenders who really prevent people from joining the army. But we have

the past history of similar measures in this country, the past history of the Criminal Law Amendment Act, the past history of section 124A and similar other repressive sections of the Indian Penal Code,—how they have been used, how the press legislation has been used to crush the liberties of the people. Similarly, this Bill penalises not only public speech but even a private whisper in the room. You can very well imagine, at least I can imagine in my province with the sort of police that we have, what a terror this Bill would create in the public mind. This Bill would be worse than the Rowlatt Act and the Martial Law. If you can catch hold of a man who would depose in the court that so and so said this and that, and dissuaded him from joining the army, he is sure to get two years. The magistracy and the police in my province are such that they have only to wait for a signal from the executive. So, I submit that the Government of India should not proceed with this mad policy. I would not deal at length with the speech of my Honourable friend, Mr. Nairang, but I would only remind him of one thing. He said that when the time comes he would use his cards. I wish to tell him he may use his cards but the trump card is with Hore-Belisha and his own card will do nothing either for his community or for his country.

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : Blank card !

**Sardar Mangal Singh** : Yes, a blank card, a useless card. If they have to oppose the Bill at that time, I would most humbly beg of them to oppose the Bill at this time so that it may not be put on the Statute-book. With these words, I oppose this Bill.

**Sir Muhammad Yamin Khan** : One heard two very remarkable speeches on the opening day of this debate. One was the speech of my Honourable friend, Mr. Satyamurti, and the other was that of Mr. Nur Muhammad. The speech of Mr. Satyamurti disclosed a vast knowledge of world politics ; it was eloquent and full of facts. He gave a great treat to this House by enlightening it on many points and his speech will remain on the records of this House as a great historical speech. His speech will go down in the records for many generations and will enlighten them. Although I do not subscribe to all the views that have been expressed by Mr. Satyamurti, I may differ from him here and there, but I think that his speech was a marvellous and remarkable one. If I were not led to act differently on account of certain phrases used by him, I might have supported him whole-heartedly.

**Mr. S. Satyamurti** : For phrases' sake do not support the Bill.

**Sir Muhammad Yamin Khan** : There was another speech, a remarkable one, by Mr. Nur Muhammad.

**An Honourable Member** : Khan Bahadur Nur Muhammad.

**Sir Muhammad Yamin Khan** : Yes, he is a Khan Bahadur, but he is a Mr. also. I was really disappointed with his speech. He said that he had experience of the country and what he found was that all kinds of bad characters in the villages were longing for a world war. He said that people who could not get their bread wanted to sell their crops, wheat, cotton, etc., at a higher price and therefore they wanted a war. I do not know how arguments such as this could have been advanced by a spokesman of the Government Benches. We have got in this Bill that people should not be stopped from enlisting if they so desired, that there should

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not be dissuasion of people who are willing to join the army. We have nothing to do with the question whether the people want a war or do not want one, or whether people are anxious to sell their crops at a higher price, or whether in certain Sikh villages there are such bad characters that they take generally to robbery and they should be provided for in the military as soldiers. Such arguments are novel and I have never heard of such arguments before nor shall I hear them again from the Government Benches. I want the army to be composed of those people who wish to join the army for the sake of an army career, for a military career. I do not want that the British Government should provide a few pennies to those people who are longing for a war in the villages which have been visited or have been under the care of Khan Bahadur Nur Muhammad. The British Government should not involve India in a war simply to satisfy the mercenary instincts of a few individuals living in certain villages, certain remote villages in the Punjab. If this is the kind of argument advanced in favour of this Bill, I think there can be no dissuasion in the cases which have been quoted by Khan Bahadur Nur Muhammad. A man who wants war in order to benefit out of it can certainly never be dissuaded by any mercenary employed by the Congress to go and dissuade him from joining the army. That is a very fallacious argument and should not have been used in this House.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : It was a maiden speech. What is the use of taking notice of it ?

**Sir Muhammad Yamin Khan** : When he was making his maiden speech, I did not like to interrupt him, but he was put up by the Government in order to convince those who are not willing to be convinced, and he came out with an assertion that he had a vast knowledge and that his knowledge was greater than all the knowledge combined of all the other Members here. He is wrong. Every Member of this House has got far greater experience and has visited more villages in his election tour than Khan Bahadur Nur Muhammad has done in his whole life-time. That argument he may have advanced against the Congress but he referred to all the Members and as I am one of the Members and have been included in his remarks, I wanted to reply to him. In my election tours I have done about 200 miles per day. So, that is no argument at all on the Government side.

**Mr. Satyamurti** advanced the argument whether by supporting this Bill the Muslims can save the Muslim countries. I can give an answer to that, that by opposing this Bill we cannot save the Muslim countries either. Whether we support this Bill or we oppose it, that does not affect the Muslim countries at all. We have to judge this matter not from the viewpoint whether this Bill will provide for a few recruits who may be used against certain countries or not but we have to judge it on only one question and that question is this. Should we stop recruitment of Indians altogether. If we want to disband our armies at present, this motion would be all right but I suppose that this is not the policy advocated by my friend, Mr. Satyamurti. He wants the present army to remain. If so, we must provide for the gaps in the army caused by the retirement of soldiers on pensions. There must be recruits coming up to fill up those gaps. In

the last Session in Delhi, this House gave expression to the great dangers to the country from invasions if we are not fully strengthened. Our whole policy has been to advocate on the floor of this House for more opportunities for Indians in the army service, both as officers and soldiers. We have been advocating that the strength of the British troops should be reduced in order to save this country from the heavy expenditure involved by keeping them. We have been advocating that a larger number should be recruited from amongst Indians. Such being the case, our policy cannot be to stop recruitment altogether while we are advocating that we should have a larger proportion of Indian soldiers and if that is so, then we cannot stop recruitment. We cannot have the two things simultaneously. This is contradictory. As far as the Muslim policy is concerned, that has been dealt with ably by several Honourable Members.

There is one thing which I want to mention on the floor of this House and that is that no Mussalman can really support the foreign policy of the British Empire. That policy has been condemned every time by the Mussalman public. There is not a single Mussalman, if he truly expresses his feelings, who can support this policy. If he supports this policy, then I can only say that he is cheating other persons and not giving expression to his real feelings. But to condemn this aggressive policy is one thing and to be carried away by hatred is another. I do not think that the Mussalmans of India can subscribe to many of the words said by Mr. Abdul Qaiyum. He says that as far as he is concerned he has got hatred towards the British. That may be his own view, created by his association with those with whom he is sitting, but we Mussalmans, sitting here, want to express this opinion that while we condemn this policy of the British Government we are not carried away by any hatred of the British. We do not want to have such strong feelings. We do not want to make ourselves blind by hatred because when the feeling of hatred takes hold of a man, that man has no common sense at all. If we condemn anything, we must do so after cool-headed deliberation and not out of hatred. But at the same time I want to make it clear that we Mussalmans do not want the recruits got from here to be used outside India for any purposes of aggression whatsoever. It may be against Palestine, Arabia or it may be against China or Japan. That does not matter. The Indian army should never be used outside India without the full concurrence of this House. That is the policy of the Mussalmans in this matter. It is no use for some gentlemen coming here and telling us that we must hate the British because Richard I fought Saladdin. That matter is past and gone. We have to look to the present. We are not to be led by historical incidents in judging this matter. We know that only 20 years ago the Turkish Empire was at war with Britain. Now the Turkish Empire under Mustapha Kemal Pasha is very friendly to the British Empire. People who were allies in the last war may be enemies at the next war. Wars will go on and continue. Mussalmans must not be judged by any kind of individual opinion expressed that they will be carrying hatred even when a gesture of friendship can be made. Therefore, this is the expression of the view of the Mussalman public whom I have had the honour to come across. We are not going to be led by anything which has become past history, but we want to see what they do in future and, at present, what is going to be their policy, and that will guide our policy and that will dictate our attitude.

[Sir Muhammad Yamin Khan.]

Sir, I must also make it clear that we are fully alive to the danger to which our country is exposed. Japan's invasion of China has opened the eyes of India and it will not be right and proper at this time, when every country in the world is preparing for war, that we should be saying that our man power should not be mobilised. We must have it, though, as I have said, the Indian man power should not be used outside India but for the defence of India, and that is essential. Of course we do not know how matters will be arranged and how policies will be guided and how the parties will be divided and what will be the fate of the Indian Empire when the next world war begins. We know that during 1914 or 1915—I am not positive that these figures are right but as it was given out at that time—only about four thousand British soldiers were left in the whole of India and there were a few thousand Indian soldiers left during the first war. Well, that was the time when there was danger only in Europe, when the parties were fighting only in Europe, but anybody who has studied the matter knows, and even my friend, Mr. Satya-murti, who has placed before the House the facts, knows, that the next war will bring the whole world into conflagration and it will not be confined to Europe alone, and if there is going to be a world-war, then India will not escape from the consequences. Sir, it had been very rightly pointed out by an Honourable friend here that supposing the war comes on and the British navy is entirely wanted in the Mediterranean or in the English Channel and they cannot spare anything from the Pacific Ocean, then the Indian Ocean is left entirely unguarded, and one cruiser can bomb the whole of Calcutta, Madras and Bombay. We have seen that a small German cruiser, the “ Emden ”, bombarded Madras with great impunity ; and the next war will not be confined only to the navy or army but the air force also will have a great share in that. We have known when the last war was going on between Abyssinia and Italy, Aden which formed part of India at that time was greatly threatened because a small fleet from a port in Africa could have come in two hours' time and bombarded not only the whole of Aden, but might have crossed over to Bombay and destroyed the whole of that city. (*Voices* : “ Oh, oh.” “ How is that ? ”) They could have destroyed the cities of Bombay and Karaachi if they could get hold of a proper place to make their centre for coming over there from that place.

**An Honourable Member** : How could it cross the Indian Ocean ?

**Sir Muhammad Yamin Khan** : Our ports are not altogether safe. Sir, it is all loose talk to say that we want the British to get out, that we are not going to give them any recruits. My Honourable friend, Syed Ghulam Bhik Nairang, put it very nicely before the House that we must take note of the practical proposition and you have got that before you, that you cannot do without the army. That is a hard fact, and at the present moment, to think of training another army, which may be our ideal army, is like having a Paradise which was not even dreamt of by Plato, and to train it by some magical touch, well, that is an utter impossibility. You cannot have that. You must exist in the present world and you must go on with the present forces, and the present requirements are that we must have the present army, we must keep it in full strength, and we must have it properly trained in order that we

may have in particular to defend our shores either from the North-West or from the East or the West against any kind of invasion, so that that army may be utilised to repel that invasion in the least required time. Now, my friend, Mr. Joshi, said, that Government can employ 1,500 people if the Congress can employ seven hundred people to go and make another propaganda. Well, their recruiting officers do make a propaganda....

**Mr. N. M. Joshi :** But that does not succeed.

**Sir Muhammad Yamin Khan :** But if my Honourable friend, Mr. Joshi, wants that other people may come in who may be employed just to propagate all kinds of rumours and give out all kinds of false stories in the other way, as has been alleged to have been given by the emissaries of certain forces which are being used against recruitment, then I think if the Indian penny is to be used for that purpose that will be a waste of money.

**Mr. N. M. Joshi :** It is known all over the world that it is the recruiters who tell false stories. It is not the others. Recruiters are known to tell false stories.

**Sir Muhammad Yamin Khan :** Whatever may be your views I am not willing to subscribe to them, that young men should be used for making a propaganda in order to meet the propaganda of the Congress in the manner suggested by Mr. Joshi. I would much rather stop one propaganda than use two propagandas. Sir, one thing which my friend, Mr. Joshi, said was very right and I agree with that. He said—why do you require to make any propaganda ? It is a common well-known fact that the surplus population in the villages is dying of hunger, it has got no employment, no bread to live on and it can hardly have one meal to eat and so the surplus population in the villages will be too glad if you offer them any employment in the shape of recruiting them as soldiers and if you give them proper money. If you want a strong body of young, robust people to come forward and join your army, then certainly you must make that army attractive. Sir, we know full well that those people amongst Indians who join the army are not very educated people and do not understand anything like patriotism or whether they are fighting for their Government or for their King or to save their country ; they do not understand these things, and if they join your army, they join for the sake of money and that is quite true. If a soldier joins the army, he joins because he wants to make his living, and because that has been his profession from ages and hundreds of generations and, therefore, he comes forward to join you. Now, you tell the Indian soldier that he should come forward and lay down his life, for what ? Not to defend his country, not to defend his own home but to fight for you outside India, then certainly you must make an offer to him which would be at least more attractive than what is being offered to the British soldiers who are to come here because in any case they are patriots and they come to this country in order to keep their Empire intact and they are expected to be more patriotic than what they are said to be, the British soldiers cannot say that they will not join without getting proper salaries. When you recognise that it is a necessity in the case of the British soldier that his salary and allowances should be increased, although he is a patriot, then certainly you

[Sir Muhammad Yamin Khan.]

ought to make it much more attractive to an Indian soldier and give him much better salary because he gives his life not for anything which is attractive to him. I do not really subscribe to the views of my friend, Mr. Satyamurti. My friend says that he would that the British Empire should go to pieces now and it will be a good thing for the whole world. Sir, I am not a blind admirer of the British Empire or their doings both in India and outside India. I think they have got their misdeeds written in bold letters everywhere. But the question is whether for my own safety's sake I should like the British Empire to go to pieces.

**Mr. S. Satyamurti :** Is that the only consideration that you should live for ever ?

**Sir Muhammad Yamin Khan :** I would not like my country to be subordinate to the British Empire for ever. But now-a-days the world forces are gathering themselves behind the shelter of one Power or the other. There are Treaties, aggressive and defensive. We find that the nations are joining and making cliques against the other nations. But India today is helpless. It may be on account of the bad policy carried on for the last 100 years by the British Government, but situated as we are today, we cannot fight and we cannot defend ourselves even against a very small nation.

**Honourable Members :** Question. Give an example.

**Sir Muhammad Yamin Khan :** As an example, I may mention Japan. It is a small island that can run over you in 24 hours. If my friends say that they can have the army to defend themselves, then I will mention the story of a certain potentate in India who had been keeping a lot of eunuchs. When the war broke out, he had no army. He said what is the use of feeding these people so well, let them go and fight. So, these people were sent as an army to fight the brave soldiers who were going to invade his country. When they saw the soldiers, they began to sing and clap their hands. The brave soldiers, when they were advancing, said : " Oh, we are not going to fight these people because they are not soldiers. We will fight against the army of soldiers. We will not degrade ourselves by raising our swords against these people. As these people cannot produce a big army, we are not going to take part in the army and therefore let us retire." Do the Honourable Members desire to follow this tactic ? Then, Sir, I remember the couplet of one of the poets of Lucknow, who said :

*" Zepplin jo urraya hay tu ne aray o German*

*Kunkuwwe main uljha ke maidan main giradaingay."*

It means that if the Geaman Zeppelin will come to invade India, we will fly our kites and catch hold of it in the string of our kite and drop it on land. If my friends think that they can fight an army by non-violent means, then they will never gain their object. They will show you no mercy as the old brave warriors did. Even the armies of the other nations are mercenary and they are looking forward to make money out of you. They want to catch hold of any nation they can. They are not the brave people who will fight only the brave and nobody else. That chivalry is gone. The army now is composed of the



merchant classes and they want to make the best use of their opportunities. So, I am not a believer in this cult of non-violence and I do not think it will be a good day for India if the British Empire is shattered to pieces now. That is my feeling so far as India's present position is concerned. My feelings may be quite different so far as countries other than India are concerned. I am not talking at present about them. But for our own protection and safety it is necessary that our frontiers and our coasts must be defended by a big navy and we must have a sufficiently strong army to maintain the peace and prosperity of the country.

My friend, Mr. Sham Lal, made certain remarks yesterday to which I took an exception there and then and I must say something about them now. He said that the sons of a big titleholder were given the Commissions but they were found to be unfit and he gave the example of the sons of two Captains. That is an allegation which is absolutely untrue. I have great respect for those people who have earned their titles by their chivalrous deeds. I am not talking of those titleholders who have earned their titles by putting up an asylum or a Dharamsala or a statue here and there. I am talking of those people who have earned their titles in the war on account of their chivalry. Their sons are full of spirits and they can challenge anybody. They can challenge 20 persons of the class whom Mr. Sham Lal represents. These brave persons can undergo any amount of hardship, they can shoot from morning till evening without taking any food. They can wander about in the burning sun and ride the whole day on horses. I will leave it to Captain Sir Sher Muhammad Khan to narrate the story which he wants to mention. But I cannot help saying this that these people are proud of the glory of their ancestors.

My friend, Mr. Abdul Qaiyum, yesterday said that the Indian army is not fit to protect the Indian lives and I think he mentioned a certain incident about the elopement of a girl. That aspersion on the Indian army is wrong. Every soldier in the Indian army is ready to shed his blood if he is asked to do so. It may be the folly of the people who use them that they are not used for proper purpose. They may be employed wrongly. But it is not the fault of the rank and file of the Indian army. Every Indian soldier is ready to defend the honour of any lady from the attacks of tribesmen, no matter to what nationality the lady belongs. For God's sake do not turn round and say that the Indian army is unfit. They carry out whatever orders are issued by the commanding officer. I say, the Indian army is composed of the finest men in the world and they can stand comparison with the best army in the world in chivalry or bravery. I strongly protest against the remarks of Mr. Abdul Qaiyum about the Indian army. If his remarks were to stand on record without being challenged, then it would create a very bad impression in the minds of readers outside India. In the first reformed Assembly in 1923, I moved a Resolution for the Indianisation of the army.

**Mr. S. Satyamurti :** With what result ?

**Sir Muhammad Yamin Khan :** The result was that the Commander-in-Chief came to the House, it was then Lord Rawlinson, and announced the eight units scheme which I did not accept then. To my great

[Sir Muhammad Yamin Khan.]

shame, I must confess that I had the backing of 63 Members in the morning when I moved my Resolution, but after the announcement of the Commander-in-Chief, my supporters dwindled into 16. It was not the fault of the British, but it was the fault of the Indian Members whom I also warned at that time. I put up a fight in the Assembly. I knew it was a losing battle. I also challenged a division on my Resolution so that the names of my supporters might be on record. I want an Indian army to be really and properly trained and to be kept up in proper strength. I want the Indian army to be a real asset to India.

I can understand the speech of my Honourable friend, Mr. Satyamurti. He did not say that he did not want any army. His was a political speech. He thinks that by coercing the Government he could get more concessions for the Indian army, he thinks there will be better amenities and equipment for the Indian army. That is the policy underlying his speech. I agree with all the remarks made by him except a few phrases here and there with which I do not agree. He only laid great stress on the benefits which should accrue to India from the Indian army. If he agitates for more and more concessions for the Indian army, if he fights for greater Indianisation, he will always find me a whole-hearted supporter. But with the kind of speech made by my Honourable friend, Mr. Abdul Qaiyum, I cannot agree. If his fight is with the Muslim League and if he wants to use the arena of the Assembly for the fight, let him by all means do it. But his arguments against the Indian army will never be acceptable to me.

Now, I wish to refer briefly to the Statement of Objects and Reasons. It says :

“ The object of the speakers is clearly not the spread of pacifism but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged.”

I submit this statement is really unconvincing. The object of this Bill should not have been this, namely, that the people may be dissuaded from joining or engaging in a war in which the British Empire may be engaged. The British Empire may be engaged in a war which may not be supported by public opinion in India. In order to counteract this object, there should be an amendment saying that the Indian soldiers are bound to serve whenever India is involved in war, wherever the defence of India is involved whether in or out of India, if it is an integral part of the war which safeguards the interests of India. If the interest of India is jeopardised, then the Indian army should be used for its defence whether in or outside India. I submit such a condition should be included in the conditions of army service. If that objection had been taken by Mr. Satyamurti to the provisions of the Bill and if he had insisted on a condition such as the one I have proposed, I would have readily supported him.

**Mr. S. Satyamurti :** On a point of personal explanation. I specifically spoke on this subject for five minutes, that the main object of the Bill is to coerce our Indian soldiers to fight the wars of the British Empire. Therefore, my Honourable friend, Sir Muhammad Yamin Khan, ought to support my motion.

**Sir Muhammad Yamin Khan :** The real object of the Bill ought to have been to stop the preaching of non-enlistment in the Indian army. That would have been quite sufficient. In that case, this would have been a non-controversial measure. But at present it is not a non-controversial Bill. I hope that the Defence Department will take note of my suggestion that they should insert a clause in the conditions of service that every Indian soldier is liable, on pain of death penalty, to serve wherever a war is fought, in or out of India, for the protection and safety of India. But if it is a war which has no concern with the safety of India, then the Indian soldiers should not be used without their consent. At the present moment the safety of India depends on the safety of the British Empire, and if the British Empire falls to pieces India will fall a prey to some other force which may be even very much worse. Sir, I understand some Honourable Members are wavering and thinking that they will not take part in any future discussion on this Bill if this motion is passed. I think they should not do so but they should move their amendments and try to improve the Bill. They should not only fight winning battles but losing battles also. They should be brave people and go on fighting. I did not lose heart in 1923 when I got only 16 votes but I stand justified in 1938. So, if my friends lose now they will find themselves justified in the future. If a temporary Bill is wanted, they can move that amendment.

Sir, one thing more and I have done. I have nothing to do with the Punjab Government except that that I have got a small house in Simla. That is my only connection with the Punjab.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

It has been the tradition of this House not to cast aspersions on the Provincial Governments because the men who run those Governments are as good representatives of the people as we are. I was sorry to see them attacked here which I submit is not desirable. Sir, I support the motion for consideration.

**Rao Sahib N. Sivaraj** (Nominated Non-Official) : Sir, it has been rightly pointed out by speakers on this side that many of the speeches that were made by Honourable Members of the Opposition were far wide of the mark and practically ranged over very wild fields. The reason for that, as I see it, is that those Members of the Opposition who spoke wide of the mark did not want to face squarely what is a very simple and a very straight issue raised by the Defence Secretary in the introduction of this Bill, namely, whether or not the Honourable Members of this House will give support to a measure which is intended to take one of the many steps which are necessary to strengthen the defence organisation of India and to make it more efficient and more effective than what it is at the present day. If they had taken that view, then the Honourable Members of the Opposition would have had but only one answer to give, namely, to support the Bill. But because they were not willing to do this they went away from the real point under consideration and imported into the consideration of this question very many extraneous subjects which will not avail us in the ultimate decision of this question. I think the arch-offender in this respect is my Honourable friend, Mr. Satyamurti, who, knowing him as I do and also his capacity for eloquence and his

[Rao Sahib N. Sivaraj.]

ability for marshalling facts, has not merely himself strayed away but took along with him many of his supporters from the region of practical politics into the realm of fancy. And in a way the discussion which was straying away from the real point was brought back to the right direction by the speeches of the Honourable Members of the Government, the Home Member and the Law Member.

Sir, I shall try, if I may, also to bring back the discussion to the real point that we have got to consider. In doing so I cannot do better than to recall to the minds of the Honourable Members of this House and also to remind my Honourable friend, Mr. Griffiths, of his own observation which he made sometime ago on the floor of this House, probably on the discussion of an army subject. He said on that occasion that the army in India exists for definite purposes and does not exist for the purpose of vindicating any political theory, much less does it exist for the purpose of vindicating the theory of non-violence or *ahimsa*. Sir, what are the purposes of the army in India? There is bound to be difference of opinion,—as indeed such opinions were expressed before,—as to the purposes and functions of the army in India. But whatever its functions are, no Honourable Member of this House can deny that one of its functions certainly is to defend India against external aggression and to keep internal security. As a matter of fact in one of the answers that was given yesterday or the day before to some questions asked on the floor of the House as to how many times the army was used for the purpose of internal security, the Defence Secretary cited four or five instances in which the army was used, specially after the Congress Governments have come into power.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Where is it in this Bill, that it is for the defence of India?

**Rao Sahib N. Sivaraj** : That is exactly what I say. It is unnecessary. I think it is a fallacy to assume that the defence of the British Empire or the defence policy of the British Empire can be separated into so many different parts as if one part can exist for the sake of Britain alone and another part for the sake of India. As a matter of fact the system of defence of the British Empire is a linked affair and no part of the British Empire can be attacked without danger to all other parts; and the arrangement, as I think it is, is so made that if one portion of the British Empire is threatened with attack, all the other sections can move at a convenient time and to a convenient place. It is from that point of view that I say it is a fallacy to separate the defence of India from the defence of the British Empire. The whole thing is one homogeneous and linked system. If friends on the Opposition agree with me that it is essential that India must have this defence, what objection can they have to any measure, as this measure is, which will take steps to strengthen the defence organisation? Nobody can deny that it is not possible, in the daily routine of the Army Department, to recruit men if there is a consistent and persistent campaign carried on against the recruitment by certain interested people. Even under normal circumstances it would be the duty of the Defence Department to recruit men to the army. No doubt in the present circumstances of world conditions, it is essential to have greater

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recruitment, and it is necessary, therefore, that all steps which are necessary for recruitment not being stopped should be taken. After all most Members have trotted out this theory, namely, that this measure is a coercive measure. I do not see anything of coercion in it. It does not force people to go and join the army : it only prevents people from making speeches dissuading those who are willing and ready to join the army ; and I know that there are many in my own part of the country who are ready and willing to join the army. It is to help such people that this Bill is brought forward and not to punish those who are interested in upsetting the.....

**An Honourable Member :** You belong to the martial classes ?

**Rao Sahib N. Sivaraj :** Some of us are. As a matter of fact, the first army I think which the Britishers formed in India came from Madras. As I was saying, I see nothing coercive here : it is merely a case of prevention of certain offences and prevention of certain coercive measures on the part of those who are interested in stopping recruitment to the army.....

**Dr. G. V. Deshmukh :** Is there any law like this in other parts of the Empire ?

**Rao Sahib N. Sivaraj :** Peculiar conditions require peculiar remedies.

**Mr. N. M. Joshi :** In England they make the conditions better !

**Rao Sahib N. Sivaraj :** It does not matter what the form of Government is. It is very rarely that any person, living in any country, ever opposes the strengthening of the defence organisation of that country. But it is in this country that we find that, whatever may be the reason, there is a certain section of people who are willing to destroy the defence organisation whatever its strength or efficiency.

There is another point on which I desire to draw the attention of Honourable Members of this House, that is, on the point that the British army is an army of occupation and is here only for the purposes of keeping Indians under slavery. It is difficult for any one to say at what exact point of time the British army can be said to be an army of occupation. Every army must necessarily happen to be an army of occupation, for certain purposes, as it must be an army for the purposes of defence in certain circumstances, and also as an organisation for the purpose of internal security. So that, the argument that it is only an army of British occupation does not appeal to me. In any case it is not just and fair to the authorities concerned for any Member of this House to throw any obstacle in the way of their attempts to make the defence organisation in this country better than what it is.

There have been many speeches made both on the facts of the case and on the law relating thereto : Honourable Members of the Government have already given convincing replies and I do not think I shall be able to add to them or make them better. I shall, however, make reference to just one or two remarks of my Honourable friend, the Deputy Leader of the Opposition. In the speech he made in support of his motion, he stated four points as far as I can remember : firstly, that the present criminal law of India is enough to cover all offences that are contemplated in the present Bill.....

**Mr. S. Satyamurti :** I did not say that.

**Rao Sahib N. Sivaraj :** I beg your pardon. At any rate, the Honourable the Law Member, in his speech, gave me the impression that the present law is not sufficient to cover a case of this kind and so it is necessary that a Bill like this should be introduced. The next point he made was that this will be a measure which will help the strengthening of the British Empire which, according to him, ought not to exist on the face of the earth.....

**Mr. S. Satyamurti :** British Imperialism.

**Rao Sahib N. Sivaraj :** ..... because it supports British imperialism—quite right—and according to him the British Commonwealth of Nations stands for British Imperialism which again, according to him, means the economic exploitation of the world.....

**Dr. G. V. Deshmukh :** Not Commonwealth ; Empire.

**Rao Sahib N. Sivaraj :** Names do not matter as long as the institution is there and will continue to be there. He stated that it will be a happy day not only for India but for the rest of the world if the British Empire goes to pieces. Sir, I wonder how he imagines that either in the near future or later the British Empire can ever go to pieces.....

**Seth Govind Das** (Central Provinces Hindi Divisions : Non-Muhammadan) : We have the imagination, while you have none.

**Rao Sahib N. Shivaraj :** Sir, I know the British foreign policy.....

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Why do you bother about it ?

**Rao Sahib N. Shivaraj :** I know the British foreign policy that was adopted for some years has really undermined the strength of the British Empire. They were sincerely thinking of strengthening the League of Nations as an instrument of peace for the world, at any rate for the European countries, and so they did not re-arm themselves like other nations. In fact, they allowed other nations to re-arm themselves, I mean nations like Germany and Italy, so that they constituted a source of menace and danger to the whole world.....

**Mr. S. Satyamurti :** Did they allow Germany to re-arm herself ?  
No.

**Rao Sahib N. Shivaraj :** Yes.

**Mr. S. Satyamurti :** Germany revolted !

**Rao Sahib N. Shivaraj :** While the British Government were honestly and sincerely thinking that they were strengthening the League of Nations, they were really allowing Germany and Italy to re-arm themselves quietly and without the knowledge of Britain. Then what happened ? We all know that when Italy one fine morning pounced upon Abyssinia, England was not honestly prepared to stop the Italian invasion of Abyssinia, because England was not prepared or ready to undertake the campaign. England allowed other nations to go too far and then the Britishers started on a vigorous campaign of defence and re-armament and they strengthened their naval and air forces, with the result that you find where Germany and Italy stand today.....

**Mr. S. Satyamurti :** A million men are being mobilised in Germany now.

**Dr. G. V. Deshmukh :** Germany has gone to Austria.

**An Honourable Member :** Why do you bother about these countries ?

**Rao Sahib N. Shivaraj :** We now quite clearly see that there is a definite change both on the part of Germany and Italy with regard to their general attitude towards the British Empire. As a matter of fact, in a fight between Germany and Czechoslovakia, we find that Lord Runciman goes there as an arbitrator. Nothing could be a greater tribute to the recovery of the.....

**Mr. S. Satyamurti :** What is he doing there ?

**Dr. G. V. Deshmukh :** He is not trusted either by the Czechs or the Germans.

**Rao Sahib N. Shivaraj :** Nothing could be a greater tribute to the strength of the British Empire and to the strength of character of the British people as these incidents show.

Then, Sir, the last point that my friend, Mr. Satyamurti, made in support of his amendment is that this Bill is a curtailment of civil liberties. I had never known that my friend, Mr. Satyamurti, at any time, could be a man with a double face. Indeed he happens to be so today. Here in Simla and in Delhi my friend talks of civil liberties of individuals, of the freedom of his country, of the freedom of speech and freedom of action for the individuals. Out there in Madras, Sir, my friend would punish the most harmless actions on the part of individuals when they think they are acting in the interests of their own liberty. Did not the Deputy Leader of the Opposition use that most contradictory phrase 'treason against democracy' when he said that it was treason against democracy for people to picket or to offer Satyagraha against a Government which has been elected, which consists of the representatives of the people ? And he would not be satisfied with the punishment that is provided for in the Criminal Law Amendment Act of 1932 and 1935, but he would go further and want that those people who commit the offence of picketing to stop the introduction of compulsory Hindi in Madras should be hanged practically.

**Mr. S. Satyamurti :** I never said that ; you are misrepresenting me.

**Rao Sahib N. Shivaraj :** This is what the papers said ; all the papers in Madras are yours, not mine. Can such a gentleman come here and tell this House that this Bill has got as its object the repression of people or the curtailment of liberties ? On the other hand, this Bill merely facilitates the easy recruitment of people for the army, but my friend says it is a repressive law. Sir, I am surprised at the way that people sometimes behave in one way in Madras and in another way in Simla. Moreover, my friend, Mr. Nairang, has given a very graphic, and indeed a very interesting story of what happens down in Madras. Sir, I am only talking of my province, I do not know anything of other provinces.....

**An Honourable Member :** For yourself ?

**Rao Sahib N. Shivaraj :** And for myself.....

**Mr. Abdul Qaiyum :** Sir, when I touched on the Punjab Government when I was speaking, I was stopped by the Chair with the remark that the Punjab Government ought not to be discussed. Can the Honourable Member now cast aspersions on the Madras Government ?

**Rao Sahib Shivaraj** : I am merely mentioning this to question the sincerity.....

**Mr. S. Satyamurti** : That is wholly out of order. I do not think the Honourable Member is entitled to do it. You must withdraw it.

**Mr. S. Satyamurti and several Members of the Opposition** : Withdraw, withdraw.

**Rao Sahib N. Shivaraj** : If I used the word 'sincerity' I withdraw it.

**Mr. President** (The Honourable Sir Abdur Rahim) : You cannot question the sincerity of others.

**Mr. S. Satyamurti** : Has he withdrawn that expression, Sir ?

**Mr. C. M. G. Ogilvie** : He has withdrawn it.

**An Honourable Member** : Yes, it is a conditional withdrawal.

**Mr. S. Satyamurti** : I want him to withdraw it, and not Mr. Ogilvie.

**Rao Sahib N. Shivaraj** : I have withdrawn it. I want to raise this question because I want to understand the strength or the force of the argument when my friends say that this law is a repressive law, while they say that the Criminal Law Amendment Act in Madras must be used and used very effectively and if possible graver punishment should be awarded.

The other point I would like to refer to in this connection is this. My friend said that it is a curtailment of civil liberties. I merely wish to ask him which of the seven or eight provinces, in which he constantly boasts of having congressmen in power and of having congressmen as Prime Ministers, have discarded those weapons in the armoury of the British administrator, against which my friend was carrying on such a terrific campaign before the Congress got into power ? Have they discarded section 144 ? Have they not used it in the Central Provinces ? Have they discarded the C. I. D. ? Don't they now prosecute people on the reports of the C. I. D. ? Have they dropped the Criminal Law Amendment Act ? No, Sir. On the other hand, they employ these measures more effectively and with less mercy, with less of justice and fairplay. That is the real position with regard to my friend's idea of civil liberty.

Sir, then the last ground on which he said he would oppose the introduction of this measure was that this measure was designed or calculated to punish people who really are interested in pacifism and who, as a result of their belief in their own philosophy, would naturally have to preach against recruitment to the army, and my friend imported into this consideration the theory of non-violence. As a matter of fact, I wish Mahatma Gandhi will succeed in his experiment of non-violence that he is carrying on. I would say that, if he succeeds, it will be one of the greatest boons that will have been conferred upon the world. But that experiment is possible and that experiment is being done under the cover of the British gun. It is the defence of the British army that has secured for Mahatma Gandhi the peace of mind and personal safety.....(*Cries of "Oh!"* from Congress Benches)....and for those of his followers to practice this principle of non-violence. I wish they will succeed and I should be very glad if they do, but if they do not and I expect they will not, what will be the position ? We shall be mercilessly exposed to people who are believers in violence. What does it matter to the tiger if the cow is non-violent ?



It makes the work easier for the tiger and my Honourable friends, the Members of the Muslim League, generally claim themselves to be tigers.

**Mr. T. S. Avinashilingam Chettiar** : I am content to be a cow.

**Rao Sahib N. Shivaraj** : My Honourable friend, Mr. Chettiar, from Coimbatore, says that he is content to be a cow. I will only ask him "Why change your sex?" Not on any of the points which my Honourable friend used in support of his amendment can he be said to have been on sure ground, but as a matter of fact, as I started by saying, he merely created a smokescreen with his battery of words and slogans to cloud the issue, the simple issue that has been brought forward in this House by a straightforward man in a straightforward manner. Sir, I oppose the amendment.

**Mr. M. Thirumala Rao** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Mr. President, I do not presume to stand up and reply to my friend Mr. Shivaraj's criticism, because he has discharged his duty most faithfully as his master's voice, and even if his convictions were otherwise, there is the discipline of a Nominated Member which he has got to obey. As regards this measure, in 1935, when Sir Henry Craik, the present Governor of the Punjab, was the Home Member, he moved for the amendment of the Criminal Law Amendment Act which had been passed in 1932 in the teeth of the opposition of this House. The Act was then about to expire and, in his speech, he specifically said that he had provided for the deletion of these two clauses which are now being sought to be re-imposed in the shape of this Bill. He said that since there was no civil disobedience then and since there was no fear of the army being tampered with, he had come with a liberal measure and asked for the support of the House only to meet any possible contingency of spreading disaffection among the people by Congress and other extreme journals. I do not know what new situation has arisen since 1935 to bring in this Bill, except that the British Empire is now faced with a crisis.

I do not believe that the fate of this country is indissolubly linked up with that of the British Empire. We have been hearing the speeches of the Defence Secretary whose manner substitutes more the matter of his speech. He collapsed in the middle of his argument on a point of order when he was challenged to produce the speeches on which he relied for his support of the Bill. I can understand the very provocative, cynical and patronising speech of the Honourable the Home Member who has been maintaining the traditions of the several Home Members in telling us to our face that the very thought of defending our country by ourselves is an abstract imaginary thing. After 150 years of British rule in this country he has got the cheek to say to this House that we are unfit to defend ourselves, after having reduced us to this impotence. I can very well reciprocate the feeling of patriotism of my Honourable friend, Sir Aubrey Metcalfe, when he deemed my friend, Mr. Abdul Qaiyum, as his enemy this morning. Hard words break no bones and everybody knows it. Merely because my friend, Mr. Abdul Qaiyum, expressed a few sentiments of patriotism yesterday my Honourable friend, the Foreign Secretary, deems him as an enemy. For 150 years these friends of ours have been emasculating our nation. For 150 years you have been exploiting us day in and day out, making us merely slaves in this country, and what

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should be our feelings towards you? The mere use of words of patriotism, words of hatred for British imperialism, has evoked so much anger that his face became red with indignation and he protested that he loved his Empire. We are here to tell him that we and the people behind us whom we represent—we love India first, we love India second and we love India last. We care a hang as to what happens to the British Empire. The Leader of the European Group is anxious to rehabilitate the dilapidated prestige of the British Empire, but what I cannot understand is this. The British Empire has come to such a pass now that it has to be propped up by four estimable gentlemen from the Government Benches opposite.

I cannot understand why in the evening of his life the Honourable the Law Member, who made a reputation at the Bar and the Bench, has come to support with his drooping shoulders this falling Empire. When he was giving us an exposition of his legal acumen, I was only sorry that his talents were being misused and might have been used for a better purpose and for a better cause. Now, my Honourable friend, Mr. Satyamurti, told us that the British Empire was like an old woman. Perhaps Mrs. Subbarayan was angry that her sex was being insulted. She was looking at him. But I take the odium on ourselves, men, and I say that this British Empire is like an old man who has joined the house of a widow with a large number of children as a managing agent of the estate and family. The old man has got grown up sons of his own. They have set up their separate families, they do not want to look at him, they have passed the Statute of Westminster and asked him to get out of their house. Then this old man comes to this house of an old widow who has been widowed of her freedom during the last 150 years and more and poses as the guardian angel of this family. I can understand the chagrin, the anger of this old man when the children of this family have also become majors and are questioning the authority of the old man to remain in the house any longer. They ask him to look to his own people, his own kith and kin who have been sent far and wide into this world to establish colonies and states and dominions. I can visualise an old man whose vision is lost—he sits in the house and goes on calling somebody or other and sending them on some petty errands. And the children in the house do not respond to him, he then gets angry and shouts. “I brought up these fellows. Now they are ungrateful. They do not listen to me.” That is the attitude of the British Empire today. There is no use of our Clive Street friends getting excited over the lost prestige of the British Empire. We do not want to be parties in rehabilitating the prestige of the British Empire. Take for instance Ireland. When the Irish treaty was finally wrung out of unwilling hands of the British statesmen, Mr. O’Kealy, an Irish member, said, “We gave a kick on the British buttocks.” Then, a very self-respecting Member of the Parliament raised this question in the House of Commons and said that a prominent member of the Irish Parliament had insulted England by saying this. The Prime Minister said, “Do not care for these things. We know how to manage.” There are a certain class of people who, the more you abuse them, will say, they are taking it in joke. It is like that. Again, Sir, with regard to Canada, you know we also have exported some brave Knights to the famous Ottawa delegation which was headed by Mr. Baldwin.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must address himself to the Bill before the House.

**Mr. M. Thirumala Rao** : What I want to say is that the British Empire is practically dismembered in Canada, Africa, Australia and New Zealand and in all those parts which have got real cultural and racial ties with the homeland and what have we got in India ? What interest have we got in resuscitating the loss of prestige of this Empire ? That is the point I want to make. They call India the diadem of the Empire as the remaining vestige of British power. You want to recruit the army in this country for your own designs. That is the point I am making and I submit that I am not straying far from the Bill. It has been definitely said that the object of the Bill is to raise recruits who will take part in any war in which the British Empire may be engaged. I say that India has become the last prop of the British Empire for exploitation purposes. That is the point I want to make.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not the point before the House. The motion before the House is that the Bill be circulated.

**Mr. M. Thirumala Rao** : When my friends of the European Group want to convince the House that British prestige is as high as before, and, therefore, that we should be as loyal as ever, I want to convince the House that it is the other way about. Therefore, I request you to allow me to make this point.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must speak to the Bill.

**Mr. M. Thirumala Rao** : I am opposing the consideration of this Bill and, therefore, I ask you to allow me to meet points that have been raised in the course of the debate.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Bill is intended to penalise the activities of those who try to dissuade persons from enlisting.

**Mr. S. Satyamurti** : I submit that my friend's remarks are relevant in this way. You will find in the Statement of Objects and Reasons it is stated that the object of the Bill is to punish those who try to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged, and any Member of the House is entitled to say that the House shall not allow recruits to enlist in the army for that purpose.

**Mr. President** (The Honourable Sir Abdur Rahim) : You cannot have a general discourse on the British Empire. So far as the British Empire comes in in connection with the recruitment to the Indian army, that is relevant and no further.

**Mr. M. Thirumala Rao** : Reference was made yesterday to the great part that has been played by Lord Halifax, the Foreign Secretary, as proof of the fact that the conduct of diplomacy by British statesmen is above reproach. Read the literature on Spain and you will find what game is being played and how the good name enjoyed by Lord Halifax as Lord Irwin has been shattered to pieces. There was a secret understanding between Italy and Spain and that understanding or treaty has

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not so far been published. They have hit upon a plan of non-intervention to close the Pyrénées to the Spanish Government and they are encouraging General Franco to make headway into the Spanish country and this only proves that the British Prime Minister and the British Foreign Minister have been playing a double game in telling the world that they are going to be absolutely just and do not want to interfere in the affairs of Spain, while they have been openly encouraging Franco to defeat the Spanish Republican Government. This amply proves that all is not well with British diplomacy. They are simply truckling to the bullying attitude of Mussolinis and Hitlers. They are not able to hold their own in Europe and when danger is threatening, they come to India for recruitment for the army and to gather thousands of people as cannon fodder on the fields of France, Italy and Germany as was done in the previous war.

Coming to the arguments of the Honourable Mr. Maxwell, I may tell him that we are not enamoured of the army as it is now constituted and manned and controlled. You have got an imperial purpose which you have not disguised in the Statute which you want this House to enact. The Congress wants a trained militia for this country. He himself has said that the United Provinces, Bihar and the Central Provinces Governments want to impart military drill to the students in the colleges and that Dr. Moonje has started a military college for imparting military training to the boys. All this amply proves that the Congress is not a madcap which does not understand the A. B. C. of defence of this country. Much has been said about violence and non-violence. I should like to deal with this a little later but I want to tell him that Congress has once and for all dissociated itself from all imperialistic designs. Yesterday my Honourable friend, Mr. Akhil Chandra Datta, referred to the Resolution of the Congress. I would like this House to understand the attitude of the Congress which is also the attitude of the people and still if you want to coerce people you will be playing a wrong game. This is the Resolution of the Congress :

“The Congress has drawn repeated attention in the past to the danger of imperialist war and has declared that India can be no party to it. Since the last Session of the Congress the crisis has deepened and fascist aggression has increased, the fascist powers forming alliances and grouping themselves together for war with the intention of dominating Europe and the world and crushing political and social freedom. The Congress is fully conscious of the necessity of facing this world menace in co-operation with the progressive nations and peoples of the world, and especially with those peoples who are dominated over and exploited by imperialism and fascism. In the event of such a world war taking place, there is grave danger of Indian man-power and resources being utilised for the purposes of British imperialism, and it is therefore necessary for the Congress to warn the country again against this and prepare it to resist such exploitation of India and her people. No credits must be voted for such a war and voluntary subscriptions and war loans must not be supported and all other war preparations resisted.”

Government must have been well aware of this Resolution and anybody who preaches this Resolution and advises in terms of that Resolution will come within the clutches of this Bill. What I want to say is that if you want to have the co-operation of the people this is not the way. Your Penal Code was there and your Criminal Law Amendment Act was there but of what avail were they when the civil disobedience movement was started when lakhs of people were sent to jail ? You are going about the business in a wrong way. You well know what influence the Congress

carries with the people. Whose word will be listened to in the country—the word of the Government or the word of the Congress ?

As regards the creed of non-violence, the Congress is wedded in the peculiar circumstances of this country to the principle of non-violence. We are not ashamed of the creed of non-violence, simply because some friends have derided it. What I say is that the little modicum of power that has been achieved in seven provinces is a result of the practice of non-violence. I want to tell you how the British people have got a bitter experience of the Irish freedom movement. Well, if India were not non-violent, I may tell you at once that this non-violent non-co-operation would have taken a different shape and blood would have flown far more than it has done in Ireland. You may be very complacent that you have got your military forces, your aeroplanes and bombs to suppress the people. Well, you were within a stone's throw from Ireland, but what have you done, what could you do ? Sir, In the present development of modern warfare and modern communications India would not have been so helpless as you imagine her to be, but, Sir, India has deliberately chosen non-violence to fight its oppressors and it has achieved partial success. If you go and ask your cousins in the seven provinces who have been accustomed to enjoy power and position like you, your Civilian friends who are under the ministers of the provinces will tell you what the power of non-violence is, and, very shortly, God willing, by the very same power of non-violence the haughty Civilians in the Government of India will be shown their position. Then they will understand the power of non-violence and will never again talk in derision of non-violence. Sir, I do not want to take up the time of the House much. What I say is that we want an army of our own which is to be manned and trained by us. Sir, if Soviet Russia could develop an army after the revolution in 1917 within the last twenty years, which is the dread of all the world, I do not see any reason why India could not have an army of its own, trained, manned and developed on its own lines within the next fifteen years. Therefore, whatever you may think of the Congress and its non-violence, the Congress has never said either in its resolutions or its other proceedings that the defence of the country should be entirely eliminated and made to depend entirely on non-violence alone. With these words I want to tell the Government that they cannot force this lawless law upon us, they cannot coerce us. Sir, this is more or less like a restitution of conjugal rights. You cannot instil goodwill and mutual regard by legal processes. By the mere passing of this law, you cannot compel subordination and discipline in the army. People will take to underground propaganda and you will simply drive feeling in the country underground but you cannot control it by the force of arms and by your criminal legislation. Sir, one word and I have done. The outlook of the people is now completely changed. To illustrate what the attitude of the people today is I just want to read a small sentence from the manifesto published by the Irish Sinn Féin and I merely substitute the word "India" for "Ireland". It is as follows :

"India is faced with the question whether this generation wills it that she is to march out into the full sunlight of freedom, or is to remain in the shadow of a base imperialism that has brought and ever will bring in its train naught but evil for our race."

Sir, with these words, I support the motion for circulation and oppose the consideration of the Bill.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division : Muhammadan) : Sir,\* the summary of the speeches so far made, for and against the motion for circulation of the Criminal Law Amendment Bill, is that the occupants of the Congress Benches, who are accustomed to call themselves patriots, have appealed to the Members of the Muslim League Party in the name of Islamic countries of Palestine, Arabia, Mesopotamia, Egypt and Turkey, and said that if the army, when recruited, would be utilized for the destruction and dismemberment of these Islamic countries in the next war. On the other hand, Government Benches are appealing to us to realize that the present is a unique opportunity for the Indianisation of the Army. Representatives of the public too have been clamouring for the Indianization of the army. I think, therefore, that the passing of this Bill is necessary as it will prevent any activities that may be launched against recruitment and will be of benefit to the country.

Now, Sir, we have to see how far these appeals are justified. So far as the Congress Party is concerned, I shall put before the House a few matters which had happened after an interval of every seven years. These will prove how far the claim of the Congress Party that they are the real patriots of the country is correct and the world would be in a better position to judge whether the Congress or the Muslim League deserves that honour in the true sense of the word. This will also prove how far the decision of the Muslim League on the motion now before the House is correct.

Sir, when the last Great War broke out in 1914, it was this very Gandhiji, who, in spite of the fact that the late Maulana Muhammad Ali advised him otherwise, was busily engaged in helping the British Government with men and money and was touring the country-side, persuading people to enlist in the army. It was the result of those very activities of his that Indian forces were sent to Islamic countries and served to destroy or weaken them. This is how the Turkish Empire was shattered to pieces. Today, all of a sudden the Congress Members are appealing and warning us against that danger. They should rather be ashamed of this. I know which way the wind blows and what the result will eventually be of the negotiations that are being carried on at present with the British Government. The same move which had been made before by this votary of freedom, Gandhiji, is going to be taken recourse to again.

In 1921, when the country was fully prepared for civil disobedience and there was no question of reserving or safeguarding the rights of any community or class—for that was a time when the only question was that of bidding for freedom and liberating the country from the clutches of the British people,—did not this very Gandhiji, the holder aloft of the banner of freedom, stop it ? Can such a moment come again in the history of India for centuries to come ? Never.

Then, Sir, in 1928, this very leader of the Congress got the whole prestige of the country seriously compromised by means of the Nehru Report which raised the question of the distribution of rights of the various communities inhabiting India. Again, was it not Gandhiji who,

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\*The Honourable Member spoke in the vernacular.

under the pretence of wrecking that poisonous Act of 1935, which rightly deserved to be sunk deep in the British Channel and was forcibly injected into the veins of the people of this country, accepted it so soon to work it ? Did not this lover of freedom accept the late Mr. Ramsay MacDonald, the then Premier of England, as arbitrator on the issue of Communal Award and did he not give an undertaking in writing to abide by his decision on the 14th November, 1931 ? Did not the Muslims refuse to give such an undertaking ? I wonder what sort of patriotism all this could be which had taught him to depend upon the very British people who had paid for kindness with kicks on so many occasions and who, for the service done to them in 1914, had repaid the country in the shape of the Rowlatt Act.

Now, Sir, has not this very lover of freedom already decided to accept the " Federation " part of the Government of India Act with a few so-called amendments as a result of his last visit to His Excellency Lord Linlithgow at the Viceregal Lodge ? I have stated this a number of times before and repeat it again today on the floor of this House that the result of the talk in that Lodge will be out in 1942, and the slavery of the country shall have to be strengthened for centuries together. Was it not pure diplomacy that from 1921 to 1927 Gandhiji could not define " Swaraj " ? Sometimes he would define Swaraj as ruling the country with the co-operation of the Britishers, at others, as ruling the country by turning them out of India. At long last, in 1927, the Congress and Gandhiji, the be-all and the end-all of the Congress, sat in Madras and laid down a few superficial principles by which the Muslims seemed to retain the right of sacrificing cows everywhere excepting the vicinity of a temple, and the Hindus the right of playing music.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must speak on the Bill.

**Maulvi Muhammad Abdul Ghani** : Sir, as some of the Honourable Members, while speaking on the Bill, appealed to us in the name of patriotism, I must ask the Members of the Muslim League Party not to be carried away by it. I shall express my views on the Bill presently.

Sir, is all what is going on in the Congress-governed Provinces of the United Provinces, Central Provinces, Madras, Orissa and Bihar, patriotism ? There the honour, life and property, religion and culture, education and social structure of the Muslims are in danger, and various devices are afoot to efface them. The Wardha Scheme of Education is just one such device, and every possible effort is being made to enforce it only to see that Muslims may not continue to be Muslims in the present sense of the word.

**Mr. M. S. Aney** : I am afraid, Sir, all this discussion is entirely beside the point.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has been allowed to speak in Urdu and he must not take advantage of that and speak about matters which have nothing to do with the matter before the House. I know the Honourable Member understands enough English to understand these remarks.

**Maulvi Muhammad Abdul Ghani** : Sir, excuse me, but such observations have been made in this House which might lead one to think that Members of the Muslim League Party are opposed to the freedom of the country. The main object of the Opposition was only to blame the Muslim League Party, and, therefore, I had no other alternative but to refute them by giving certain instances of their so-called patriotism. I would here quote a few lines from an article by Gandhiji in the *Indian Nation* of Patna, dated the 5th March, 1937, as an illustration of whether he desires the freedom of the country or wishes to force the Hindu culture and civilization on all the communities of the country. This is from his own article :

“ This is being written on Bakr-id day—a day for rejoicing of Muslims and a day for the grief of Hindus—because their Mussahman brethren slaughter the cow for sacrifice though they know that the cow is an object of veneration and worship for Hindus.”

**Mr. Abdul Qaiyum** : On a point of order, Sir. So far, the Honourable speaker has not referred to the Bill at all.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member has nothing to say on the Bill, he must resume his seat. He must address himself to the Bill.

**Maulvi Muhammad Abdul Ghani** : Sir, I am just coming to the Bill. These were just a few instances of the patriotism of one who is the leading standard bearer of the country's freedom. My Honourable friend, Mr. Abdul Qaiyum, need not feel upset by these examples.

Sir, the Government view in regard to this Bill is that it offers the best opportunity for the Indianization of the army. They have thought of the Indianization of the army just when the war clouds are gathering thick on the horizon. It never occurred to them before. Believe me, that between the two diplomats, the Congress and the Government, the position of us Muslims is indeed very distressing :

“ *Ek taraf hai sham'a raushan ek taraf hai mahru,  
Is do taraf ag men kaise bachegi abru.*”

i.e., on one side is the candle burning ; on the other is the moon-faced. In this double blaze how will one's honour remain safe ?

Neither of the two, in the true sense of the word, wishes the country to be free. It is in today's news that Lord Lothian on landing at Bombay made a statement to the representatives of the Press to the effect that he would not disclose the talk on Federation between Lord Linlithgow and Pandit Jawahar Lal Nehru. Look at these secret parleys ; think of this unholy alliance with the British and all that all talk of patriotism on top of this.

They say that this Bill is detrimental to public interests. Then, the Bill should be treated only in two ways. It should either be rejected or so amended as to be devoid of all poisonous effect. This object will not be achieved by circulating the Bill for public opinion. Hence, when amendments are moved, care should be taken to ensure that the Bill is made as harmless as possible.

Sir, there is no doubt about the fact that the Bill is a novel one. In the case of the Bills hitherto moved, the principle generally has been to throw the onus of proof on to the plaintiff ; but, in the case of this Bill,



the onus is thrown on the defendant. The word "dissuade" is very elastic, and every utterance can be stretched to mean it. The wording of the *Explanation* too is anything but satisfactory, and no definition has been made of the term "good faith". No remedy has been prescribed for the defendant to prove his innocence. The Honourable Mr. Ogilvie has, it seems, drawn on military strength even in the matter of pure legislation; all these doubts require to be removed. There are provisos which empower Provincial Governments to declare the enforcement of this Bill whenever they like. If they think otherwise, the law would not be enforced. Today, as many as seven provinces are stated to be governed by the Congress. The Congress, therefore, need not fear that they would suffer if the Bill is enforced. It is the provinces of the North-West Frontier, the United Provinces, the Punjab, Madras and Bihar from where recruits come. Of these provinces, that of the Punjab is the only province which is not under the influence of the Congress, but in the remaining Congress provinces the Members in the Assemblies are in a majority and have been returned by the Congress and are answerable to them.

A certain Honourable friend has hinted that we had better take care of Muslims. May I ask him to desist from making such insinuations? The Muslims here are wide-awake. Our friends should bid good-bye to the idea that as Muslims were wiped out from Spain, they would also be wiped out here in India. The Congress are doomed to be disappointed if they harbour any such idea. In Spain, the Muslims themselves were the cause of their extinction. Today the Congress have created a few Mir Jafars in India, but Muslims know them thoroughly well. We are not afraid of that movement of Muslim mass-contact. All that would be to our good. The Muslims are fully aware of the mentality of their Hindu brethren. They know how Hindus have treated the untouchables and the depressed classes who professed to belong to the Hindu fold. The Muslims can never fall into the snare set by the Congress. The way is clear. Come with an open heart and you will find us with you. I might as well warn the British that negotiating secretly with the Hindus will not do. The Muslims in India are a separate and distinct community and cannot be ignored. An Honourable friend of mine says: "Let the Bill be circulated for public opinion. It will do good." But I say that if in the opinion of the Congress Party there are real defects in the Bill, then why not try to remove them here? Let the Bill be rejected; but I am not in favour of the Bill being circulated for public opinion as I feel that in that event Congress would have greater chances of interfering with the Bill. I know:

*"Chun ba khalwat mi rawand,  
An kare digar mi kunand."*

i.e., when they get into the secret parlour, they do something else.

Sir, my Honourable friend, Syed Ghulam Bhik Nairang, has just told us that when a similar motion was made by a Member of the Madras Assembly, the Premier there opposed it and made every effort to let the law stand untouched. What are these tactics? What kind of patriotism is this? One particular principle which is acceptable in one place is considered worthy of being rejected in another. I have noticed at times that when His Excellency the Viceroy pays a visit to this House, the Congress Party stage a walk-out to indicate their displeasure; but when Governors

[Maulvi Muhammad Abdul Ghani.]

pay their visits to Provincial Assemblies, the Members offer almost to touch their feet. Is this consistency? God save the Muslims from adopting such policy.

Ours, Sir, is a vast country. One can just imagine how large an army is required to defend this country, especially when Japan on the one hand, and Russia on the other, are waiting for an opportunity to pounce upon India. Let my Congress friends allow a further recruitment of the Indian army. There is nothing in this Bill to show that this army is to be recruited for service outside India. It will be open to them to decide that issue when such a contingency arises and save their country. If then one is liable to be punished for uttering anything against the Bill, it won't matter. How many voices will the British Government be able to suppress by inflicting punishment? We want genuine patriotism. What happened during 1920-21? The country as a whole raised its head as much as Government tried to suppress it. The Muslims too took their proper share in the struggle. They were not behind any one in serving the cause of their country and will not be found wanting in any way even now. With these views, Sir, I now close my speech.

**Mr. President** (The Honourable Sir Abdur Rahim) : It has been represented to me by the Leader of the Congress Party as well as by the Leader of the Nationalist Party that tomorrow is the real *Janmashtami* day which is an important Hindu festival, in connection with which I understand many Hindu Members may have to fast. The official calendar, however, shows that *Janmashtami* was to be on Friday, and I understand that there is some difference among the astronomers on this point. At any rate there are Members who are going to observe *Janmashtami* tomorrow, and I also understand that the Honourable the Leader of the House has no objection to there being sitting of the Assembly tomorrow. I further understand that it will not suit many Honourable Members, including Government Members, to sit on Friday. The result is that there is, I understand, a general agreement that the House should be adjourned till next Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 22nd August, 1938.

## LEGISLATIVE ASSEMBLY.

*Monday, 22nd August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### MEMBERS SWORN.

Mr. Subimal Dutt, M.L.A. (Government of India : Nominated Official) ; and

Mr. Yeshwant Narayan Sukthankar, M.L.A. (Government of India : Nominated Official).

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

†302\*-332\*.

#### REVISION RULES FOR INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

332A. \*Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Finance Member state :

(a) whether they have issued revised rules for pensions for inferior servants in the Posts and Telegraphs Department, and

(b) what is the maximum payable under the new rules ?

**The Honourable Sir James Grigg :** (a) and (b). I would refer the Honourable Member to the Finance Department Notification No. F-6 (48)-R-III/35, dated the 19th of March, 1936, in the Government of India Gazette, dated the 21st March, 1936, a copy of which is in the Library of the House.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government made a promise some time back that they will reconsider the rules about these pensions and give increments in these pensions ?

†These questions, which were on the Order Paper for the 18th August, 1938, have lapsed, the meeting fixed for that date having been cancelled.

**The Honourable Sir James Grigg :** The Honourable Member cannot have been aware of the answer which I gave a few days ago to Mr. Joshi in which I said :

“ The revised pension rules were issued in 1936, and, in my view, it is still too early to undertake any further revision.”

**Mr. T. S. Avinashilingam Chettiar :** May I know whether, after this revision of rules in 1936, a promise was not made on the floor of this House that Government would reconsider the question ?

**The Honourable Sir James Grigg :** I think the Honourable Member, if he will refer to the alleged promise, will see that it is not in the least inconsistent with what I said on the 10th August.

**Prof. N. G. Ranga :** What is the saving effected by this revision ?

**The Honourable Sir James Grigg :** The revised scales involved an increased expenditure. They involve an improvement in the pension scales.

**Mr. S. Satyamurti :** May I know whether the maximum is only Rs. 4 a month ?

**The Honourable Sir James Grigg :** I think the Honourable Member is wrong. My recollection is that it was increased from Rs. 6 to Rs. 8.

#### EFFECT OF THE ENHANCED EXCISE DUTY ON THE SUGAR INDUSTRY.

333. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

- (a) whether they have examined the effect of the enhanced excise duty on the sugar industry ;
- (b) whether the production of sugar has gone down since the imposition of the duty ;
- (c) whether the Governments of Bihar and the United Provinces have represented that it should be reduced ; and
- (d) whether Government have considered their representations and come to a decision in the matter ?

**The Honourable Sir James Grigg :** (a) and (b). It is impossible to examine the effect of the enhanced excise duty in isolation. According to the latest estimates of production there was some decline in the year 1937-38 but whether this was due to the increase of duty, or to excessive stocks caused by the previous over-production, or to the decreased demand which naturally follows a set-back in trade or to any other cause or to a combination of any or all of these causes I cannot say.

(c) I have a recollection, of having seen in the Press that both Governments had made representations in this sense to the Tariff Board.

(d) It is not the practice of the Government of India to announce in advance their intentions in taxation matters.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government review from time to time the effect of the imposition of any duties on the industries of the country ?

**The Honourable Sir James Grigg :** Yes. The Honourable Member will have noticed that the price of sugar is now between one and two rupees, if not two rupees, higher than it was at the time of the imposition, and that already the consuming and mercantile interests are complaining about the rise in prices.

**Mr. Manu Subedar :** In connection with clauses (a) and (b) of the question, may I know whether the Tariff Board have examined the effects and the figures which are asked for in those clauses ?

**The Honourable Sir James Grigg :** The Honourable Member must be aware that Government have not yet published the Tariff Board report and until they do they do not disclose it in detail.

**Mr. Manu Subedar :** When do Government propose to publish the Tariff Board report ?

**The Honourable Sir James Grigg :** That question had better be addressed to the Commerce Department.

**Mr. K. Santhanam :** May I know whether it is a matter of satisfaction or of concern to Government that the production of sugar has gone down ?

**The Honourable Sir James Grigg :** That would be an expression of opinion.

**Mr. S. Satyamurti :** In view of the answer to clause (a) and in view of the public importance of assessing the effects of these excise duties, will the Honourable Member consult his Economic Adviser before he gives up the task of assessing the effects of the imposition of the excise duty on the industry ?

**The Honourable Sir James Grigg :** I will consider that suggestion, but I would like to inform the Honourable Member once more that one effect, or, at any rate, the sequel of the imposition of the excise duty was that sugar manufacturers are now getting about Rs. 1-8-0 a maund more for their sugar.

**Mr. S. Satyamurti :** May I remind the Honourable Member of the danger of following the maxim, "*Post hoc ergo propter hoc*" ?

**The Honourable Sir James Grigg :** Certainly, and that is why my answer to parts (a) and (b) was extremely cautious.

**Prof. N. G. Ranga :** Is it a fact that sugar-cane producers are getting just as much more as the sugar manufacturers ?

**The Honourable Sir James Grigg :** I have made no calculation of the comparative effect of the increase on the prices of sugar and sugar-cane.

**Mr. K. Santhanam :** May I know if, with the imposition of the excise duty, it was the expectation of the Honourable Member that the price of sugar would rise so much ?

**The Honourable Sir James Grigg :** If I ever entertained any expectations, I am extremely cautious about communicating them to Honourable Members either in advance or in arrear.

**Mr. Manu Subedar :** Has the attention of the Honourable Member been drawn to the statement of the Chief Minister of the United Provinces saying that it is very desirable that sugar prices should be brought down ?

**The Honourable Sir James Grigg :** Yes.

[\* \* \* \* \*]

**Mr. President** (The Honourable Sir Abdur Rahim) : There cannot be any argument over this.

**Mr. Manu Subedar :** The Honourable Member is making an insinuation that I have got mixed up, whereas it is the Honourable Member himself who has got mixed up considerably. He is talking economic heresies.

**Mr. President** (The Honourable Sir Abdur Rahim) : That matter cannot be discussed.

**Mr. S. Satyamurti :** Is my Honourable friend's uncommunicativeness about these expectations either in advance or in arrears due to the fact that almost all his expectations go wrong ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That need not be answered.

#### CUSTOMS COLLECTION IN THE FRENCH PORTS ADJOINING BRITISH INDIA.

334. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

- (a) whether there is a difference in the method of customs collection in the various French ports adjoining British India ;
- (b) if so, what is the difference ; and
- (c) whether Government have considered the advisability of negotiating with the French Government and evolving an arrangement by which imports can be taxed in the French ports, allowing a rebate on goods which might be for consumption within French territory ?

**Mr. A. H. Lloyd :** (a) and (b). Government have no information.

(c) Yes.

**Mr. S. Satyamurti :** Will the Honourable Member take some steps to collect information, in view of the importance of the matter ?

**Mr. A. H. Lloyd :** I do not think that there is any very great importance in the differences that may exist between the methods of customs collection in different French ports. What matters to us is to stop goods from coming into British India without paying our duty.

[\*] Deleted by order of the House (*vide* page 924 of Legislative Assembly Debates, dated the 24th August, 1938).

**Mr. T. S. Avinashilingam Chettiar :** What is the meaning of his answer to clause (c) ?

**Mr. A. H. Lloyd :** I meant that the answer was in the affirmative. Or, if I may elaborate it slightly, that negotiations were conducted in the years 1922 and 1923 but came to nothing.

**Mr. T. S. Avinashilingam Chettiar :** But are they being conducted now ?

**Mr. A. H. Lloyd :** No, Sir.

**Mr. K. Santhanam :** May I know whether Government are aware that in the present method of checking smuggling between the French boundary and British territory, there is a great deal of harassment to *bona fide* passengers ?

**Mr. A. H. Lloyd :** I hesitate to use the word "harassment" but anybody crossing the customs frontier must necessarily be subjected to a certain amount of inconvenience.

**Mr. K. Santhanam :** I was not talking of crossing the boundary, but of coming into British territory by the side of the boundary.

**Mr. A. H. Lloyd :** Yes, if they have to pass the customs frontier.

**Mr. K. Santhanam :** Near Mayavaram and Negapatam even passengers who have not to cross the boundary are subjected to hardship. I was myself subjected to hardship and harassment.

**Mr. A. H. Lloyd :** I suppose it was close to the frontier.

**Mr. T. S. Avinashilingam Chettiar :** May I know the reasons why the negotiations broke down ?

**Mr. A. H. Lloyd :** I am afraid I am not in a position to disclose that.

**Mr. S. Satyamurti :** In view of 16 years having elapsed since then, is it not time enough even for the Government of India to consider the resumption of these negotiations, specially in view of the *prima facie* soundness of the suggestion contained in clause (c) ?

**Mr. A. H. Lloyd :** I do not think it is any use ourselves taking up this question again unless there is some indication from the other side that it is likely to lead to successful results.

**Mr. T. S. Avinashilingam Chettiar :** May I know if this arrangement is obtaining in any of these French or other territories ?

**Mr. A. H. Lloyd :** I do not understand which arrangement the Honourable Member is referring to.

**Mr. T. S. Avinashilingam Chettiar :** The arrangement which is suggested in clause (c) of the question.

**Mr. A. H. Lloyd :** No : I said the negotiations conducted in 1923 broke down.

**Seth Govind Das :** May I make a correction in this question ? I meant the Deputy Principal Information Officer ?

**The Honourable Mr. R. M. Maxwell :** I am afraid I would require fresh notice in that case.

**Seth Govind Das :** All right. Will the Honourable Member then reply to the question as it is, *i.e.*, with regard to the Assistant Information Officer ?

#### CREATION OF A POST OF ASSISTANT INFORMATION OFFICER IN THE PUBLIC INFORMATION BUREAU.

335. **\*Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether it is a fact that the post of an Assistant Information Officer has been created in the Public Information Bureau ;
- (b) the salary and other emoluments involved thereby ;
- (c) the reason for the creation of this post ;
- (d) whether any provision was made in the last budget for the post ;
- (e) the amount annually spent on the salary and emoluments of the officers of the Public Information Bureau ;
- (f) whether Government propose bringing forward this matter before the House before the post is finally filled up ; and
- (g) whether Government have advertised the post, or they intend recruiting a man direct from England, and the method by which they intend filling up the post ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes, but it has not yet been filled.

(b) The pay of the post is Rs. 400—20—500—25—600.

(c) The post was created as part of the reorganisation scheme : and particularly to enable the Bureau to meet the needs of representatives of the Press.

(d) Yes.

(e) I would invite the attention of the Honourable Member to the Budget Estimates of the Central Government under the Head " Home Department—Bureau of Public Information ".

(f) No.

(g) Recruitment to the post is being made through the Federal Public Service Commission.

**Seth Govind Das :** Is it a fact that a European is going to be appointed to this post ?



**The Honourable Mr. R. M. Maxwell :** Recruitment is being made by the Federal Public Service Commission and no selection has yet been made.

**Seth Govind Das :** Will a chance be given to an Indian for this post.

**The Honourable Mr. R. M. Maxwell :** Certainly ; chances will be given to all sorts of candidates.

**Seth Govind Das :** Is it a fact that it has been said that £40 overseas allowance would be paid for this post, if anybody is recruited from outside ?

**The Honourable Mr. R. M. Maxwell :** Not for the Assistant Information Officer.

**Seth Govind Das :** Is it a fact that the age limit has been reduced for this post to 35 ?

**The Honourable Mr. R. M. Maxwell :** I cannot tell the Honourable Member from recollection what the age limit is.

**Mr. Lalchand Navalrai :** May I know if the advertisement for this post says that it is for Indians and Europeans or will the place be earmarked for Europeans ?

**The Honourable Mr. R. M. Maxwell :** No place is earmarked for a European.

#### FILLING UP OF CERTAIN POSTS OF OFFICERS IN THE PUBLIC INFORMATION BUREAU.

336. **\*Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether it is a fact that Mr. Philips and Dr. Jafri of the Public Information Bureau contemplate giving up their jobs in the Bureau ;
- (b) whether it is the intention of Government to appoint these officers from among experienced journalists ;
- (c) whether Government are prepared to give an undertaking to fill up these posts through the Public Service Commission ; and
- (d) if not, why not ?

**The Honourable Mr. R. M. Maxwell :** (a) Messrs. Jafri and Philips have both vacated the posts held by them in the Bureau of Public Information.

(b), (c) and (d). The post vacated by Mr. Philips has already been filled by an experienced journalist. It was not necessary to con-

sult the Federal Public Service Commission in this case but the post was advertised in the Press. Khan Bahadur Jafri's successor is being recruited through the Commission.

**Seth Govind Das :** Who has filled up the post of Mr. Philips ?

**The Honourable Mr. R. M. Maxwell :** Mr. Rafique ?

**Mr. Lalchand Navalrai :** May I know who made the selection if not the Public Service Commission ?

**The Honourable Mr. R. M. Maxwell :** I have just said that it was advertised in the press and it was recruited departmentally.

**Seth Govind Das :** Is the post which Mr. Jafri held going to be filled by an Indian ?

**The Honourable Mr. R. M. Maxwell :** The selection has not yet been made.

#### REORGANISATION OF THE VERNACULAR SECTION OF THE PUBLIC INFORMATION BUREAU.

337. **\*Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether the Public Information Bureau is contemplating to organise its vernacular section to carry on propaganda through the vernacular press ;
- (b) whether the Director of the Bureau (Principal Information Officer) intends undertaking a tour in order to establish personal contact with the editors and proprietors of the Indian and English newspapers to study the problems and requisites in relation to the supply of Government news ;
- (c) the reason underlying the reorganisation of the vernacular section of the Bureau and the tour of the Principal Information Officer ; and
- (d) the costs involved therein for the tour and the vernacular section ?

**The Honourable Mr. R. M. Maxwell :** (a) The Indian Languages Section of the Public Information Bureau has recently been strengthened in order to improve the supply of facilities to the newspapers published in the Indian Languages. The Bureau does not carry on propaganda through the press.

(b) Yes.

(c) The reason for the reorganisation of the Indian Languages Section has been given in my reply to part (a) of this question. The reasons for the proposed tour of the Principal Information Officer are those stated in part (b) of the Honourable Member's question. I should

add that the Principal Information Officer has received invitations from the editors of several newspapers in different parts of the country to visit them to discuss matters of professional interest.

(d) The total approximate cost of the Indian Languages Section will be about Rs. 1,400 per month. (The cost of the new posts sanctioned is about Rs. 700 a month). The cost of the Principal Information Officer's tour will not be known till it is completed.

**Seth Govind Das :** Has the Honourable Member received any applications for the post which is going to be filled up at a salary of Rs. 700 a month ?

**The Honourable Mr. R. M. Maxwell :** What I said was that the cost of the new posts sanctioned is about Rs. 700 a month : there is no one post on Rs. 700.

**Mr. S. Satyamurti :** With reference to the answer to clause (a), may I know whether part of the duties of this Public Information Bureau with regard to Indian language newspapers includes the propagation of speeches made in this House, and in such cases only the speeches of official Members are being propagated ?

**The Honourable Mr. R. M. Maxwell :** The object of the Indian languages section is to supply the papers published in the Indian languages with translations of matter in which they are interested.

**Mr. S. Satyamurti :** I want to know whether that matter includes speeches on subjects coming before this House, and if so, whether that supply of matter concerns itself only with the speeches of the Honourable Official Members in this House.

**The Honourable Mr. R. M. Maxwell :** I cannot give an exact account of everything that is supplied to the press. All I wanted to explain is that the Indian language section supplies exactly the same information that is supplied by the English section of the Bureau.

**Mr. S. Satyamurti :** With regard to speeches made in this House, will the Honourable Member inquire and find out whether the Information Bureau supplies only the speeches of the Honourable Official Members or whether propagate also the speeches on this side of the House ?

**The Honourable Mr. R. M. Maxwell :** If the Honourable Member will put down a question I will be able to answer that.

**Seth Govind Das :** Is it a fact that proper care is taken to see that this Information Bureau does not supply papers with speeches of the Congress Party in this Assembly ?

**The Honourable Mr. R. M. Maxwell :** That is the same question to which I have just replied.

**Seth Govind Das :** I am putting a specific question, whether the Information Bureau has been instructed not to send out the speeches of the members of the Congress Party in this House ?

**The Honourable Mr. R. M. Maxwell :** I am certainly not aware of any such instructions.

**Mr. K. Santhanam :** May I know whether the Government are aware that the latest number of the *Information Series* contains only the Honourable the Home Member's speech on the Criminal Law Amendment Bill ?

**The Honourable Mr. R. M. Maxwell :** I have not seen that.

**Mr. S. Satyamurti :** On a point of order, Sir, I submit the Information Bureau Series is supplied by the Department for which my Honourable friend is responsible : it is not as if it is a document prepared by somebody else outside the scope of the official duties for which my Honourable friend is responsible.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member's point is that the Honourable the Home Member ought to have given some information about the Bureau, different from what he has given ?

**Mr. S. Satyamurti :** Yes.

**Mr. President** (The Honourable Sir Abdur Rahim) : I am afraid I do not know how long I have got to repeat the ruling I have given. Speaking from memory, I would repeat what the Speaker in the House of Commons said not long ago that a member is only entitled to get the answer from the Government which he does get.

**Mr. S. Satyamurti :** But we are not the House of Commons here !

#### EXPENSES, ETC., OF THE ARMY DENTAL DEPARTMENT.

338. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will the Defence Secretary be pleased to state what was the average expense per year of the Army Dental Department under the civil contract system from 1923 to 1928, and what is the average expense per year from 1932 to 1937, under the present system, showing the expense on salaries of servants, and on materials and other expenses separately ?

(b) Is it a fact or not that under the civil contract system the actual surgical and mechanical work was done by Indians, but under the present system it is being carried on by Europeans ?

(c) If the answer to part (b) be in the negative, what was the percentage of Indians under the old system and what is it under the present system ?

**Mr. C. M. G. Ogilvie :** (a) There was no general civil contract system in existence between the years 1923 to 1937. The question of the average expense per year under the civil contracts system therefore does not arise.

I lay on the table a statement showing the approximate annual expenditure of the Army Dental Corps from 1932 to 1937.

(b) and (c). Do not arise.

*Statement showing the approximate annual expenditure of the Army Dental Corps from 1932 to 1937.*

Year.					Salaries of A. D. Corps Officers and Other Ranks.	Cost of Materials and other incidental and Miscellaneous items.	Total.
					Rs.	Rs.	Rs.
1932	..	..	..	..	3,25,400	9,200 + stores supplied from Medical Stores Depot, Bombay, figures not available, say roughly Rs. 17,000.	3,51,600
1933	..	..	..	..	3,24,000	26,588	3,50,588
1934	..	..	..	..	3,24,000	38,377	3,62,377
1935	..	..	..	..	3,37,500	50,268	3,87,768
1936	..	..	..	..	3,88,000	40,122	4,28,122
1937	..	..	..	..	3,79,500	36,932	4,16,432

**Qazi Muhammad Ahmad Kazmi :** Was the system before 1928 the same as it is now ?

**Mr. C. M. G. Ogilvie :** Yes.

**Qazi Muhammad Ahmad Kazmi :** Was the system from 1923 to 1928 the same as it is now ?

**Mr. C. M. G. Ogilvie :** The only time civilian dentists were employed by the Army in India was prior to the outbreak of the Great War.

**Mr. Sri Prakasa :** Will the Honourable Member instruct the soldiers to rinse their mouths carefully after meals to avoid dental troubles ?

#### EUROPEANS AND INDIANS TREATED BY THE ARMY DENTAL DEPARTMENT.

339. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will the Defence Secretary please state the total number of Europeans and Indians, respectively, that was treated by the Army Dental Department for the periods 1923—28 and 1932 to 1937 ?

(b) Are the arrangements for Europeans and Indians the same for the treatment of the dental troubles in the Army, or are they different ? If they are different, what is the difference ?

**Mr. C. M. G. Ogilvie :** (a) I lay on the table a statement showing the required information for the years 1932 to 1937.

It is regretted that figures for the period 1923 to 1927 are not now available.

(b) The arrangements are different. Indian soldiers normally receive dental treatment in Indian military hospitals and it is only the difficult cases which are treated in Army Dental centres where the cases of British soldiers are treated.

*Statement showing the number of Europeans and Indians treated by the Army Dental Corps from 1932 to 1937.*

Year.							Europeans.	L. O. Rs.
1932	..	..	..	..	..	..	16,116	196
1933	..	..	..	..	..	..	16,398	180
1934	..	..	..	..	..	..	19,144	164
1935	..	..	..	..	..	..	23,277	138
1936	..	..	..	..	..	..	24,935	94
1937	..	..	..	..	..	..	23,621	190

The figures given above do not include a large number of cases of Indian soldiers treated for dental troubles by the Medical Staff of Indian Military Hospitals.

**Qazi Muhammad Ahmad Kazmi :** With reference to clause (a), will the Honourable Member tell the House the figure I have asked for instead of laying it on the table,—I mean the figures relating to Indians and Europeans treated ?

**Mr. C. M. G. Ogilvie :** It consists of 18 figures.

**Mr. K. Santhanam :** With regard to part (b), may I know if this difference in treatment exists in regard to Commissioned Officers also ?

**Mr. C. M. G. Ogilvie :** There is no discrimination at all ; it is simply a matter of convenience.

**Mr. K. Santhanam :** Does the difference in treatment exist for the Indian as well as European officers also ?

**Mr. C. M. G. Ogilvie :** I have not got any information about officers. If the Honourable Member will put down a question, I will try to give him the information.

**Mr. D. K. Lahiri Chaudhury :** What does the Honourable Member mean by saying it is simply a matter of convenience ?

**Mr. C. M. G. Ogilvie :** I think the meaning.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not answer it.

**Qazi Muhammad Ahmad Kazmi :** Will the Honourable Member please let us know what is the difference in the system adopted in the case of Indians and Europeans ?

**Mr. C. M. G. Ogilvie :** There is no radical difference at all. The Army Dental Corps exists for the British Army, and the reason why it exists is because the number of dental cases among British troops is extremely high. Among Indian troops, not only the number of dental cases is comparatively very few, but they have very good teeth indeed. When, however, they do have serious dental trouble, they are treated at the army dental centre.

**Shrimati K. Radha Bai Subbarayan :** May I know if these arrangements include treatment for the families of the Indian troops also ?

**Mr. C. M. G. Ogilvie :** I must require notice of that question.

**COMMISSIONED BRITISH OFFICERS STATIONED IN VARIOUS DISTRICTS IN BENGAL.**

340. **\*Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

- (a) the number of commissioned British officers stationed in various districts in Bengal and their rank ;
- (b) the object of stationing them so and of troops under them ;
- (c) apart from commanding troops under them, what particular duties they perform ;
- (d) whether they are in collaboration with Civil authorities and particularly school and college authorities ; if so, for what purpose ;
- (e) whether they attend public meetings and deliver speeches ;
- (f) whether any of them is designated ' Intelligence officer ' ; if so, what are his special duties ; and
- (g) whether Major Bells, described as an ' Intelligence officer ' of Mymensingh, at a meeting of guardians and students at Kishoreganj on 12th July, entered into a controversy with the President of the Indian National Congress regarding ' House System ' watching over students at home by school authorities ?

There is a slight mistake here : " Districts " should be " Mufassil Districts ".

**Mr. C. M. G. Ogilvie :** (a) The required information is given in the Indian Army List, a copy of which is in the Library. There are, however, certain military officers who are serving as intelligence officers under the Bengal Government.

(b) For the maintenance of law and order and at the request of the Provincial Government.

(c). None. Apart from the Military Intelligence officers whose duties are laid down by the Provincial Government.

(d) Yes. They assist school and college authorities in certain ways, such as the formation of Boy Scout organisations, and in games such as football, and boxing.

(e) Government have no information on this point.

(f) All are Intelligence officers. Their primary duty as such is to maintain liaison between the civil and military authorities.

(g) Government have no information.

**Mr. Brojendra Narayan Chaudhury** : May I know if the troops which have been stationed in the Bengal districts have been placed there at the request of the present Bengal Government ?

**Mr. C. M. G. Ogilvie** : Yes.

**Mr. Lalchand Navalrai** : With reference to clause (b), Sir, will the Honourable Member please find out if they have been attending public meetings or not ?

**Mr. C. M. G. Ogilvie** : I made such inquiries as I could in the time available, but that is a matter for the direction of the provincial authorities, and we have no information available here.

**Qazi Muhammad Ahmad Kazmi** : With reference to clause (g), has the Honourable Member made any inquiries ?

**Mr. C. M. G. Ogilvie** : Yes, that is the material available to me here.

**Qazi Muhammad Ahmad Kazmi** : Has the Honourable Member made any inquiries from outside ?

**Mr. C. M. G. Ogilvie** : No, the matter seems so trivial that it is not worth while making inquiries from the Bengal Government.

**Mr. Brojendra Narayan Chaudhury** : Is the Honourable Member aware of the agitation in the Calcutta press for the last two months against the speech made by Major Bells, and has it not come to the notice of the Honourable Member ?

**Mr. C. M. G. Ogilvie** : No, I am entirely unaware of any such agitation.

**Mr. Brojendra Narayan Chaudhury** : Does the Honourable Member intend to inquire from Major Bells and look into newspapers of the date to find out if Major Bells did not deliver a lecture ?

**Mr. C. M. G. Ogilvie** : No, Sir.

**Mr. D. K. Lahiri Chaudhury** : Yes, it is a fact that Major Bells did deliver a lecture.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member did not ask this question.

**Mr. M. Ananthasayanam Ayyangar** : May I know if this Intelligence Officer is to report the civil or criminal intelligence ?

**Mr. C. M. G. Ogilvie** : The intelligence generally.

#### DISCUSSION OF BUDGET ESTIMATES IN CANTONMENT BOARDS.

341. **\*Mr. Badri Dutt Pande** : (a) Will the Defence Secretary be pleased to state whether it is a fact that no procedure has been prescribed for the discussion of the Budget Estimates of Cantonment Boards in the Cantonment Account Code or other Rules in force ?



(b) Is it not a fact that the copies of budget are not supplied to elected members before the meeting in which the budget is kept as one of the several items on the agenda ?

(c) Is it not a fact that this year a request was made by the elected Vice-President of Peshawar Cantonment Board to the Executive Officer that the consideration of the budget be postponed for one month to enable elected members to think over it ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) The procedure which is governed by regulations made by the Board under section 44, Cantonments Act, varies in different cantonments.

(c) No.

**Mr. Abdul Qaiyum :** Will Government see to it that a uniform procedure is prescribed for the presentation and discussion of Budget estimates of Cantonment Boards ?

**Mr. C. M. G. Ogilvie :** The Government see no reason for making any regulation of that kind.

**Mr. Badri Dutt Pande :** There are no definite rules for preparing the Budget estimates and placing them on the table, is it the intention of the Government to make rules to that effect ?

**Mr. C. M. G. Ogilvie :** Rules 16 and 17 of the Cantonment Code of 1924 deal with the preparation of the budget.

**Mr. Badri Dutt Pande :** Is the Honourable Member aware that none of these rules are complied with by the Officers Commanding the Station ?

**Mr. C. M. G. Ogilvie :** I have no reason to believe anything of the sort.

**Mr. Badri Dutt Pande :** Will the Honourable Member please make inquiries ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question please.

#### ALLEGED CORRUPTION AMONG THE CANTONMENT BOARD SERVANTS.

342. **\*Mr. Badri Dutt Pande :** (a) With reference to his answer to question No. 448 put by Mr. Sham Lal on the 23rd February, 1938, will the Defence Secretary be pleased to state the one or two cases of Executive Officers, who used *chaprasis*, garden coolies and sweepers, to work on their residences, which were reported to the Government of India, and the action which Government took in those cases ?

(b) Will Government be also pleased to state the cases reported by the Inspecting Officers of Cantonments in their inspection notes about the nature and extent of corruption about any Cantonment Boards and the action which Government took on those reports ?

**Mr. C. M. G. Ogilvie :** (a) In one case where the officer had been appointed by the General Officer Commanding-in-Chief, the Command before the introduction of the Cantonment Executive Officers Service Rules suitable disciplinary action was taken by the General Officer Commanding-in-Chief. In another case the officer concerned was dismissed on several charges including charges on the subject in question.

(b) Government have been able to trace two cases which the General Officer Commanding-in-Chief to whom the inspection reports were made referred the matter to the Government of India who after enquiry took the necessary disciplinary action.

**Mr. Badri Dutt Pande :** What was the necessary disciplinary action taken on that occasion ?

**Mr. C. M. G. Ogilvie :** The necessary disciplinary action was in one case a severe reprimand, and in the other case dismissal.

**Mr. Badri Dutt Pande :** Is it the intention of the Government to issue a circular to the effect that these Government servants should not be employed in the private bungalows of the officers ?

**Mr. C. M. G. Ogilvie :** There is no need to issue any such circular as the matter is perfectly well known to all Government servants.

**Mr. Badri Dutt Pande :** But they require reminding.

#### DIVISION OF PESHAWAR CANTONMENT INTO WARDS.

343. **\*Mr. Badri Dutt Pande :** (a) With reference to question No. 106, answered on 2nd February, 1938, will the Defence Secretary be pleased to state whether it is not a fact that the division of cantonment of Peshawar into wards is now in the hands of the Government of India and not in the hands of the Provincial Government ?

(b) Do Government propose to take steps to see that no separate ward is allotted to troops who have already an official nominated majority on the Cantonment Board of Peshawar ? If so, what ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) Does not arise as there is no separate ward for the troops.

#### WOMEN EMPLOYED IN THE CUSTOMS DEPARTMENT.

344. **\*Shrimati K. Radha Bai Subbarayan :** Will the Honourable the Finance Member be pleased to state :

(a) whether there are any women employed in the Customs Department, and if so, in what capacity they are employed ;

(b) whether Government have received any representation about the inconvenience caused to women third class passengers at Ports and Stations by Customs Officials searching for prohibited or dutiable goods on their person ;

(c) whether there are any definite rules about such examination and whether it is always conducted by women ; and

- (d) whether Government are prepared to take immediate steps to include women on the regular staff in the Customs Offices at all ports and stations to assist women passengers ?

**Mr. A. H. Lloyd :** (a) Yes : as female searchers, as clerks and one as a telephone operator.

(b) No.

(c) There is a provision in the Customs law itself laying it down that a female shall not be searched by any but a female.

(d) Female searchers are employed as part of the regular staff at the places where the necessity for their work is more commonly felt. In other places, temporary arrangements are made when occasion arises ; it would be uneconomical to keep female searchers on the regular staff in such cases.

**Shrimati K. Radha Bai Subbarayan :** May I ask with reference to the answer to clause (c) of the question whether there are any rules with regard to the rooms where the examination of the person of women passengers is made ?

**Mr. A. H. Lloyd :** There are no regular rules, but of course, the examination is always done in privacy.

**Shrimati K. Radha Bai Subbarayan :** Have the Government seen complaints in the press ? There have been complaints in some of the Indian papers with regard to the hardship caused to the women passengers. Will Government call for reports in those circumstances ?

**Mr. A. H. Lloyd :** If the Honourable Member will be so good as to forward the complaints to me, I will deal with them.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member, if the female searchers are not regularly appointed, how they are secured for the purpose of the searches ?

**Mr. A. H. Lloyd :** That depends upon the circumstances of each case.

**Mr. Lalchand Navalrai :** Will Government then propose to have some women in the preventive service for this purpose ?

**Mr. A. H. Lloyd :** I have said that it would be uneconomical to employ female searchers at every place.

**Mr. Lalchand Navalrai :** Is there not much work....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is arguing.

**Shrimati K. Radha Bai Subbarayan :** May I ask if there is any discrimination in the examination of first and third class passengers ?

**Mr. A. H. Lloyd :** Not as such.

**Shrimati K. Radha Bai Subbarayan :** Is it not a fact that third class women passengers have to come out of the train and have to be searched in an enclosure, while the first and second class women passengers are examined in their own compartments ?

**Mr. A. H. Lloyd :** I am afraid I have no information on that point.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.  
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**Mr. S. Satyamurti :** As regards question No. 345, may I submit that I am asking part (a) only for the purpose of leading to part (f) ? So far as the main subject is concerned, it has already been answered, but since there is a point about the speech referred to in part (f), may I ask that question only for that purpose ? Question No. 345.

REMARKS ABOUT INDIAN ARMY MADE BY SIR PHILIP CHETWODE IN A SPEECH.

345. **\*Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) whether the attention of Government has been drawn to a recent speech of Sir Philip Chetwode, lately Commander-in-Chief in India, wherein he *inter alia* said, referring to the Indianisation of the Army, that those now taking commissions were not quite of the right class ;
- (b) whether the Government of India have examined this matter ;
- (c) whether the right class are not coming up ;
- (d) if so, what the reasons are ;
- (e) whether Government are taking any steps to get the right class of Indians ;
- (f) whether Government's attention has also been drawn to another statement in the speech that there must be no politics in the army and that the moment that politics entered the army, the army would be of no value to those who paid for it ;
- (g) whether Government have examined this allegation ; and
- (h) whether there is any politics in the Indian Army ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) Yes.

(c) Not in sufficient numbers.

(d) These are uncertain, but are being examined.

(e) Yes. The whole question of the recruitment of Indians to the commissioned ranks of the Army is being actively examined.

(f) Yes.

(g) Government have no need to examine the statement as they are in entire agreement with it.

(h) No.

**Mr. S. Satyamurti :** With reference to the answer to clause (b) of the question, namely, " whether the Government of India have examined this matter ", may I know what is the kind of examination that the Government have made into this matter, that is to say, the matter of the right class not coming up ? Who examined the matter, and may I know why the Government have not yet come to any conclusion as to the reasons for the falling off in the number of the right class coming up ?

**Mr. K. Ahmed :** I rise on a point of order. When speeches after dinners with champagne and wine are made particularly by one out of office, are Government responsible here for those speeches ? Sir, I submit that the Chair should not have allowed this question.

**Mr. C. M. G. Ogilvie :** I think that even in this House where supplementary questions are apt to cover wide questions of policy, so big a supplementary has hardly ever been asked. Putting it as briefly as I can, it has been examined by all those who may be said to know anything about the matter from our side,—that is to say, soldiers, officers commanding Indianised regiments, educational authorities, and to a considerable extent, by non-official Members of both Houses. The problem is one of extreme complexity and difficulty, and if the Honourable the President will allow me to make a speech about it I think I can probably satisfy the Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : No. This is not the time for such a speech. The Honourable Member can take some other opportunity.

**Mr. S. Satyamurti :** I am simply asking for the elucidation of two answers which seem to me to be conflicting, namely, to clauses (b) and (d) of the question. To clause (b) the Honourable Member said that the Government have examined the matter and has elaborated it by saying that all those who really know anything about the matter have examined the matter. In answer to clause (d) of my question, he has said that the Government are not in a position to know what the reasons are. I am simply asking for elucidation as to why, after all this elaborate examination, they have not been able to find out what the main reasons are for the falling off in the right class of recruits coming up ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I understood the Honourable Member to say that the Government have come to a conclusion.

**Mr. S. Satyamurti :** So far as clause (e) is concerned, I am satisfied with my Honourable friend's answer that they are taking steps to get the right class of Indians. He said that it was a very delicate matter and required to be examined. I must take that answer, but so far as the reasons are concerned, as they have expressed their agreement with the statement, surely I am entitled to know as to the results of their enquiry and whether they have come to any conclusion as to the main reasons for this falling off.

**Mr. C. M. G. Ogilvie :** There is no inconsistency between the answer given to (b) and that given to (d) and (f). The Government have examined the matter in the past. The result of that examination was that the examination must continue and it is still continuing.

**Mr. S. Satyamurti :** With regard to the answers to clauses (f) and (g) of the question, the Honourable Member said that the Government are entirely in agreement with what is contained in clause (f). Here we have a statement that there are politics in the army and that politics ought not to enter the army. May I ask my Honourable friend for some elucidation as to the kind of politics which Government suspect exist in the army ?

**Mr. C. M. G. Ogilvie :** Government have already said that they do not suspect that there are any politics in the army and they entirely agree with Sir Philip Chetwode that there must be none.

**Mr. S. Satyamurti :** What is the answer to clause (h) of the question ?

**Mr. C. M. G. Ogilvie :** If the Honourable Member had listened to me, he would have heard that the answer was " No ".

**Mr. S. Satyamurti :** There are no politics ?

**Mr. C. M. G. Ogilvie :** No.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### REPORT OF THE COMMITTEE APPOINTED TO OVERHAUL THE SYSTEM OF RECRUITMENT TO THE SUPERIOR POSTS IN THE CENTRAL SECRETARIAT.

346. **\*Mr. S. Satyamurti :** Will the Honourable the Home Member be pleased to state :

- (a) whether the committee that was appointed by the Government of India to overhaul the system of recruitment to the superior posts in the Secretariat of the Central Government has submitted its report ;
- (b) whether the report will be placed on the table of the House ;
- (c) whether, as a result of these recommendations, any additional financial burden is thrown on the Central Government ; and
- (d) what are the results by way of improvement of the efficiency of the staff which Government expect by accepting these recommendations ?

**The Honourable Mr. R. M. Maxwell :** (a) and (b). The only Committee formally appointed by the Government of India for the purpose mentioned in the question was the Wheeler Committee, whose report was published on the 17th November, 1937. A copy of it is in the Library of the House. If, however, the Honourable Member means what is commonly known as the ' Maxwell Committee ' he is referred to the reply given to part (b) of Mr. C. N. Muthuranga Mudaliar's starred question No. 370 on 18th February, 1938.

(c) As consideration of the questions arising out of the report is not yet concluded I am not in a position to give any information about its financial implications.

(d) The Honourable Member is referred to the Press Note issued on 17th November, 1937.

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question, may I know whether consideration by the Government of these recommendations, namely, of the Maxwell Committee,—whether consideration of those recommendations includes also consideration of the financial implications thereof, or whether Government propose to pass orders on these and leave somebody else to calculate the financial implications ?

**The Honourable Mr. R. M. Maxwell :** No proposals for reorganisation could possibly be considered without considering their financial implications.

**Mr. S. Satyamurti :** In view of that answer, may I know whether Government have computed on a rough basis at least the financial implications of acceptance of the recommendations of this Committee ?

**The Honourable Mr. R. M. Maxwell :** No. Government have not yet a complete picture and final decisions on all the recommendations have not yet been taken.

**Mr. S. Satyamurti :** As regards those points on which final decisions have been taken, what are the financial implications and what amount of extra expenditure is likely to fall on the central revenues ? Have the orders been passed without working out the financial implications ?

**The Honourable Mr. R. M. Maxwell :** They have not been added up and made into a statement suitable for presentation in this House.

**Mr. S. Satyamurti :** Does the Honourable Member propose to pass orders as the recommendations come up, and never to calculate the total before passing orders on these recommendations ?

**The Honourable Mr. R. M. Maxwell :** The House will have an opportunity of considering all these things on the budget.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### EXCHANGE RATIO.

347. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member state :

- (a) whether he has examined the question of the rupee exchange ratio recently or whether he proposes to do so ;
- (b) what the results of that examination are ;
- (c) whether the Government of India have received any report from the Reserve Bank under section 55 (2) of the Act ;
- (d) whether Government propose to ask the Reserve Bank to report under this section ; if not, why not ;
- (e) whether Government propose to appoint, in consultation with the Assembly, an impartial expert committee to enquire into the matter ; and
- (f) if not, why not ?

**The Honourable Sir James Grigg :** (a) and (b). I would invite the attention of the Honourable Member to the Communiqué issued by the Government of India on the 6th June last.

(c) No.

(d) No. The circumstances contemplated by that sub-section have clearly not arisen.

(e) No.

(f) It would create great uncertainty and would, therefore, serve only to hinder the recovery for which everybody is hoping and of which some indications have recently appeared. Moreover, it would give rise to undesirable speculation.

**Mr. S. Satyamurti :** With reference to the answer to clauses (a) and (b) of the question, may I know whether the balance of trade on the existing ratio has fallen to as low as 27 lakhs from 8.14 crores from April to June, 1937 ?

**The Honourable Sir James Grigg :** That may be, but I will tell the Honourable Member if he will wait for a few days and see the figures for the balance of trade for July, he will find that this year is better than last.

**Mr. S. Satyamurti :** May I know whether in order to keep up this ratio the currency circulation has been contracted by about 2.12 crores and other steps have been taken, *inter alia*, by reducing the sterling resources of the issue department to about 6.49 crores ?

**The Honourable Sir James Grigg :** The sterling resources of the Reserve Bank are higher than they were at the time the Bank was started.

**Mr. S. Satyamurti :** With reference to the answer to clauses (d) and (e) of the question, I am referring to section 55 (2) of the Reserve Bank Act, may I know whether Government propose to examine this matter independently of the Bank or whether the Bank ought to be the sole judges that the international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the monetary system and to frame permanent measures for the monetary standard ?

**The Honourable Sir James Grigg :** That question envisages the possibility of a conflict of opinion between the Bank and the Government but on the question whether the international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the Indian monetary system, there can be no difference of opinion that at the moment it is not the case.

**Mr. S. Satyamurti :** That answer means that the Reserve Bank and the Government of India have jointly come to the conclusion after examination of the facts I have mentioned and all other relevant facts that the time has not yet arrived, as contemplated in section 55(2) ?

**The Honourable Sir James Grigg :** The Honourable Member must assume from my answer no more than is contained in it.

**Mr. S. Satyamurti :** May I take it that the Government will issue a communiqué as to the reasons why they have come to this conclusion, namely, that the Reserve Bank and the Government of India think that the international position has not become sufficiently clear and stable.

**The Honourable Sir James Grigg :** That question is based on a misapprehension of what is contained in my reply to an earlier supplementary.



**Mr. S. Satyamurti :** May I ask for some enlightenment. I am comparatively ignorant as compared with the Honourable the Finance Member.

**The Honourable Sir James Grigg :** The only enlightenment that I can give the Honourable Member is that it is quite obvious to everybody and anybody that the international monetary situation at the present time is extremely unstable.

**Mr. S. Satyamurti :** With reference to the answer to clauses (e) and (f), may I know whether the House will have an early opportunity of discussing the whole matter, that is to say, the appointment of an impartial committee to inquire into the whole matter.

**The Honourable Sir James Grigg :** I would only ask the Honourable Member to wait and see.

**Mr. S. Satyamurti :** A Resolution has been tabled and that comes on first in the list of balloted Resolutions for the 2nd September. May I know whether the Government of India have any intention of advising the Governor General to disallow that motion ?

**The Honourable Sir James Grigg :** The allowance or disallowance is a matter which rests with the Governor General in his discretion.

**Mr. S. Satyamurti :** Do the Government make any recommendation in these matters ?

**The Honourable Sir James Grigg :** I cannot answer that question.

**Mr. K. Santhanam :** With reference to the answer to parts (a) and (b), may I know whether the general index of prices in India continues to be low as compared with the index prices of other countries ?

**The Honourable Sir James Grigg :** In the last two months, it has risen very sharply and that is why I said in answer to the last part of the question that there were some indications of recovery.

**Mr. M. Ananthasayanam Ayyangar :** Is it not a fact that during the last three or four months the sterling securities in the Reserve Bank have gone down considerably ?

**The Honourable Sir James Grigg :** In the last year, there was certainly a reduction in the sterling reserves of the Reserve Bank but as I have pointed out just now, the sterling reserves of the Reserve Bank are much higher than when the Bank was set up in April, 1935.

#### ECONOMIES IN THE EXISTING EXPENDITURE OF THE CENTRAL GOVERNMENT.

348. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether the Finance Department has issued instructions to all departments not to incur any fresh expenditure, even though it has been sanctioned, without a second approval of the Finance Department and to effect as much economies in the existing expenditure as would be consistent with efficiency ;

- (b) whether the post of Trade Commissioner at Alexandria is being held in abeyance in pursuance of this economy drive ;
- (c) whether fresh expenditure on the expansion of broadcasting is being held up ;
- (d) what other savings have been made ;
- (e) whether any attempt is being made by His Majesty's Government to persuade the Government of India to pay anything more than 46 crores for defence expenditure ; and
- (f) whether it is being resisted by the Honourable the Finance Member and by the Government of India ?

**The Honourable Sir James Grigg :** (a) and (d). I will invite the Honourable Member's attention to the reply given by me to Mr. Brojendra Narayan Chaudhury's starred question No. 122 on the 10th instant.

(b) This appointment is at present held up but no final decision has been arrived at.

(c) The position is that there is an unspent balance of about seven lakhs in the Capital Fund but that there are in existence schemes which would much more than absorb this amount. These, however, cannot be sanctioned because it is in present circumstances impossible to find the recurring expenditure which they involve.

(e) and (f). I cannot at present add anything to what was said by the Defence Secretary in the debate on the Adjournment Motion on the 9th August.

**Mr. S. Satyamurti :** May I know if the Honourable the Finance Member can give this House a rough idea of the savings made by the acceptance of the various departments of the recommendations made for retrenchment ?

**The Honourable Sir James Grigg :** I shall read out the answer to question No. 122.

**Mr. S. Satyamurti :** Has this communication been sent to the Defence Department ?

**The Honourable Sir James Grigg :** It was sent to the Department of Communications, Posts and Telegraphs, Defence and everybody.

**Mr. S. Satyamurti :** Is it, as a result of this communication, that the Defence Department have been spending 80 lakhs on the Waziristan operations ?

**The Honourable Sir James Grigg :** You had better address that to the Defence Secretary.

**PERSONS TO BE DISCHARGED AS A RESULT OF MECHANISATION OF CERTAIN  
BRITISH CAVALRY UNITS.**

349. **\*Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

- (a) the number of *syces* and others in military service who will have to be discharged as a result of mechanisation of the four British Cavalry Units ;
- (b) the steps Government propose to take to relieve those suddenly thrown out of employment ;
- (c) if there is a likelihood of their securing similar jobs elsewhere ; if so, where ;
- (d) if Government propose to give them money compensation ; if so, how much in proportion to their former earnings under the military ;
- (e) if it is suggested that they may settle down on land ; if so, whether Government have considered if they are trained and fit for land cultivation ; and
- (f) if it is intended to employ all or any of them under the military on similar pay, in other allied occupations ?

**Mr. C. M. G. Ogilvie :** (a) The numbers becoming surplus to establishment as the result of mechanization of the four British cavalry units are 56 Indian other ranks and 720 *syces*.

(b) As many of these men as possible are to be absorbed in vacancies existing in other units, corps or departments.

The Military Engineer Services and Contractors have been asked to offer employment to as many of these men as possible.

(c) As the tendency in all walks of life is to do without the horse, there is no great likelihood of their securing similar employment elsewhere.

(d) In the case of combatant personnel, mustering out concessions are admissible to those who cannot be absorbed elsewhere. The *syces*, who are temporary personnel, are entitled only to one month's notice of discharge or pay in lieu of notice.

(e) Government have no intention of settling them on the land.

(f) Yes, in every possible case.

**PERSONNEL OF THE INDIAN NAVY AND RECRUITMENT OF SAILORS FROM EAST  
BENGAL AND SURMA VALLEY.**

350. **\*Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

- (a) the number of (i) officers of different grades and rank and file, (ii) combatants, and (iii) non-combatants, employed in the Indian Navy ;

- (b) of the above, how many are Indians ;
- (c) if any combatant or non-combatant sailors are recruited from East Bengal and Surma Valley ; if so, the recruiting machinery ; and
- (d) if he is aware that the district of Sylhet supplies the major portion of sailors at Calcutta Port for sea-going merchant vessels and that these sailors have a reputation for hardihood, physique and courage ?

**Mr. C. M. G. Ogilvie :** (a) (i). 108 Commissioned officers (5 Captains, 18 Commanders, 85 Lieutenant-Commanders and below).

50 Warrant officers.

1,185 Ratings.

(ii) 1,322.

(iii) 21.

(b) Of the total of 1,322, 1,226 are Indians.

(c) No.

(d) No.

#### RAILWAY CONCESSIONS TO GOVERNMENT SERVANTS.

351. **\*Mr. Brojendra Narayan Chaudhury :** (a) Will the Honourable the Finance Member please state if servants of the Government of India enjoy any concession in travel by Railways in India either on service or on their own account ?

(b) If so, will Government please state the class of officers, the nature of concessions and the approximate total loss to Railways by the grant of those concessions ?

(c) Is there any loss to Railway revenues, when those officers travel on service under concessions ?

(d) Is there any loss to Central Government thereby ?

(e) Does a diminution of Railway revenues affect contribution to Provinces from Central Government ?

(f) Do servants of Provincial Governments enjoy similar concessions ?

(g) Is there a loss to Central Government when the officers travel on concession on their own account ?

(h) Have superior army officers been recently given any such concession, or is it intended to be given ? If so, what, and why ?

(i) What is the reason behind the grant of Railway concessions to Government servants generally ?

**The Honourable Sir James Grigg :** (a) to (d) and (f) to (i). These parts of the question should have been addressed to the Honourable Member for Communications.

(e) The Honourable Member is referred to clause 6 of the Government of India (Distribution of Revenues) Order in Council, 1936.

**CERTAIN RESOLUTIONS RULED OUT OF ORDER BY THE PRESIDENT OF THE LAHORE CANTONMENT BOARD.**

352. \***Mr. Sham Lal** : (a) Will the Defence Secretary be pleased to state whether it is a fact that the official Military President of the Lahore Cantonment Board ruled out of order four resolutions relating to the following subjects, in the meeting of the Board on 28th April, 1938 :

- (i) appointment of expert committee to study the financial aspects of the Board and make recommendations to the Board ;
- (ii) request to the Government of India to re-classify cantonment lands after hearing objects from the Cantonment Board ;
- (iii) request to the Government of India to reconsider their decision to pay Rs. 1,300 to the Executive Officer for travelling from Deolali to Lahore ;
- (iv) suggesting compensation to the villagers recently included in cantonment limits.

(b) Is it a fact that the official Military President has got no right to stifle discussion on these matters ?

(c) Is it a fact that he disallowed discussion on these resolutions under the orders or instructions of the Executive Officer of that cantonment ?

(d) Is it also a fact that in the same meeting the President ruled out of order a resolution passed by the Bazar Committee laying down liberal policy for the owners of cattle in the bazar area ?

(e) Is it also a fact that this resolution was held to be in order by the elected Chairman of the Bazar Committee ?

**Mr. C. M. G. Ogilvie** : (a), (d) and (e). Yes.

(b) The President is entitled to rule a resolution out of order.

(c) No.

**Qazi Muhammad Ahmad Kazmi** : Are the Government of India satisfied that these resolutions were really out of order ?

**Mr. C. M. G. Ogilvie** : Fully satisfied.

**NON-PLACING OF APPLICATIONS OF POOR PERSONS FOR EXEMPTION FROM PROPERTY TAXES BEFORE THE LAHORE CANTONMENT BOARD.**

353. \***Mr. Sham Lal** : (a) Will the Defence Secretary be pleased to state whether it is a fact that the present Executive Officer of Lahore Cantonment Board stopped placing the applications of poor persons for exemption from property taxes before the Board and passed orders on them himself ?

(b) Is it a fact that in the February meetings of the Board, a resolution was moved against this practice in the Board ?

**Mr. C. M. G. Ogilvie :** (a) I refer the Honourable Member to my answer to Mr. Gadgil's starred question No. 896 of March 22nd, 1938.

(b) The Board have resolved that all such applications should be placed before the Board, but that pending decisions the recovery of revenue should proceed in accordance with the regulations, and that if exemptions are ultimately granted refunds would be made in due course.

#### RATES OF ELECTRICITY CHARGED IN THE LAHORE CANTONMENT.

354. **\*Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state whether it is a fact that at Lahore Cantonment the rate of electricity for street lighting from the Cantonment Board charged by the Military Engineering Services is more than the rate charged from the same Board by the Punjab Public Works Department? If so, what are the rates and the difference?

(b) Is it a fact that the Military Engineering Services charge higher rate per unit from a wholesale consumer like the Cantonment Board, and less from individual consumers like military officers in bungalows?

(c) What steps do Government propose to take to reduce the rates of electricity charged by Military Services from Cantonments Boards?

**Mr. C. M. G. Ogilvie :** (a) Yes. The Military Engineer Services rate is 4½ annas per unit which is the all India rate for street lighting. The Public Works Department rate is two annas per unit.

(b) Yes. The rate of four annas charged for individual consumers is the same for military and civil consumers.

(c) None. The Board are at liberty to terminate their agreement if they consider the Military Engineer Services rates are too high.

#### EXPENSES INCURRED ON LITIGATION BY THE LAHORE CANTONMENT BOARD.

355. **\*Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state the amount of expenses incurred on litigation (legal charges, etc.), by the Lahore Cantonment Board since the arrival of the present Executive Officer from 1st October, 1937, to 30th June, 1938?

(b) What were the expenses under the same heading in the corresponding ten months of the year before?

**Mr. C. M. G. Ogilvie :** (a) Rs. 1,568-4-0.

(b) Rs. 1,719-8-0.

#### NON-DELEGATION OF POWERS TO THE BAZAR COMMITTEE OF THE LAHORE CANTONMENT.

356. **\*Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state whether it is a fact that at Lahore Cantonment the Executive Officer clearly mentions on the Agenda of every Bazar Committee meeting, that this Statutory Committee will only meet in an "advisory capacity"? If so, why?

(b) Is it a fact that no powers have been delegated at Lahore Cantonment to Bazar Committee, although it came into being nearly ten months ago ?

(c) Is it a fact that the only subjects which have been placed within the scope of the Bazar Committee are plans of buildings and grant of trade licences ?

**Mr. C. M. G. Ogilvie :** (a) Yes, as the regulations for the Bazar Committee in final form have not yet been received from the Board for the approval of Government.

(b) and (c). No. Under the draft regulations, the Board propose, it is understood, to delegate powers under sections 140, 181, 183-A, 185, 187 to 191, 194, 210 and 212, among others, subject to final confirmation by the Board of the proceedings of the Committee.

**WITHDRAWAL OF CERTAIN CONCESSIONS FROM THE RESIDENTS IN THE SALT RANGE, TERI TAHSIL, KOHAT DISTRICT.**

357. **\*Mr. Abdul Qaiyum :** Will the Honourable the Finance Member please state :

(a) whether, in the matter of employment as guards in the Salt Range, Teri Tahsil, Kohat District, North-West Frontier Province, preference is given to people from outside the Province over the local inhabitants ;

(b) whether certain concessions which the residents in the Salt Range, Teri Tahsil, Kohat District, North-West Frontier Province, used to enjoy, were withdrawn during the last civil disobedience movement ;

(c) what was the nature of those concessions ; and

(d) whether Government are prepared to restore those concessions to the owners ; if not, why not ?

**The Honourable Sir James Grigg :** (a) No.

(b) Yes.

(c) I would refer the Honourable Member to the Press Communiqué of the 22nd May, 1931, which I laid on the table of the House on the 9th April, 1936, in answer to a short notice question by Prof. Ranga.

(d) The Government of India have not been approached in the matter and have no such proposal under consideration.

**Mr. Abdul Qaiyum :** Is it not a fact that the Provincial Government has written to the Government of India since the last civil disobedience movement ?

**The Honourable Sir James Grigg :** The Honourable Member is I think—according to my information—mistaken.

**PERSONS KILLED AND ADDITIONAL EXPENDITURE INCURRED IN THE  
WAZIRISTAN OPERATIONS.**

358. **\*Mr. Abdul Qaiyum :** (a) Will the Defence Secretary please state how many officers and men were killed in action in Waziristan from the 1st January, 1938, to the 1st August, 1938 ? How many of these were British Officers and British other ranks ?

(b) How many additional troops were pressed into service in Waziristan over and above the normal strength ?

(c) What was the additional expenditure incurred in Waziristan operations from the 1st January, 1938, to the 30th June, 1938 ?

**Mr. C. M. G. Ogilvie :** (a) Three officers and 32 men were killed. Of these all the officers were British, and of the other ranks 5.

(b) No additional troops were "pressed into service". I lay on the table a statement showing the additional troops now in Waziristan.

(c) The extra expenditure in the shape of actual cash outlay or abnormal consumption of stores attributable to the operations, incurred between the 31st December, 1937, and 1st July, 1938, is approximately Rs. 38 lakhs.

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*Statement showing additional garrison now in Waziristan.*

II. Q., 3rd Infantry Brigade.\*  
 3rd Infantry Brigade Signal Section.\*  
 Two Squadrons, 8th Light Cavalry.  
 Detachments, "A" Corps Signals.  
 Detachments, Kohat District Signals.  
 4th Field Battery.  
 19th Mountain Battery.\*  
 1|5th Mahratta Light Infantry.  
 1|10th Baluch Regiment.\*  
 5|8th Punjab Regiment (less one company).  
 3|14th Punjab Regiment.  
 1|16th Punjab Regiment.\*  
 1|17th Dogra Regiment.\*  
 3|17th Dogra Regiment.  
 2|6th Rajputana Rifles.

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\*These units are now being relieved by the following :—

Headquarters, 1st Infantry Brigade.  
 1st Infantry Brigade Signal Section.  
 18th Mountain Battery.  
 1|1st Gurkha Rifles.  
 1|5th Gurkha Rifles.  
 2|6th Gurkha Rifles.  
 One coy., 1|4th Gurkha Rifles.



1st Light Tank Company.

One section, 11th Light Tank Company.

No. 9 A. T. Coy. (Mule).

Depot, No. 10 A. T. Coy. (Mule).

Two troops, No. 41 A. T. Coy. (C.) (S.).

No. 4 Supply Issue Section.

No. 24 Supply Depot Section,

No. 36 Supply Depot Section.

No. 11 Field Ambulance.

" A " Sub-section, No. 3, Field Hygiene Section.

**Maulana Zafar Ali Khan :** Will the Honourable Member please state whether there is any likelihood of these operations continuing in the near future ? Are there any indications of the operations continuing for some length of time ?

**Mr. C. M. G. Ogilvie :** I am unable to prophesy at all about that.

**Mr. Abdul Qaiyum :** May I know if the expenditure on Waziristan has at any time been normal during the year 1937-38 ?

**Mr. C. M. G. Ogilvie :** I shall require notice of that ; I think it has been.

**Mr. T. S. Avinashilingam Chettiar :** Sir, is there not an inconsistency in the answer ? My Honourable friend said that additional troops were not pressed into service and then he gave a list of the additional troops there ?

**Mr. C. M. G. Ogilvie :** The British Army and the Indian Army do not have to be " pressed into service ".

**Mr. T. S. Avinashilingam Chettiar :** What do you mean by " pressed " ?

**Mr. C. M. G. Ogilvie :** " Pressed " means what it means, *i.e.*, " compelled to go ".

#### ENACTMENT OF A BANKING LAW.

359. **\*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state whether Government have received any representation for the enactment of a Banking Act embodying all clauses of the Companies Act, affecting banks and certain other special provisions for the better regulation of banks ?

(b) Is it a fact that both the majority and the minority reports of the Indian Central Banking Enquiry Committee recommended the enactment of a special Banking Act, providing, amongst other things, for the system of licences for doing banking in India, subject to certain safety provisions for the public who deal with such banks ?

(c) Have Government had any correspondence with the Reserve Bank of India on this subject ?

(d) Have Government got the preparation of the Banking Act in hand ? If so, when do they propose to introduce a Bill ?

**The Honourable Sir James Grigg :** (b) Yes.

(a), (c) and (d). The question was exhaustively examined at the time of framing the Reserve Bank of India Act, 1934, and again in 1936 and 1937 in connection with the amended Indian Companies Act. The provisions of Part XA of that Act are far-reaching and some of them have not yet come into operation.

**Mr. Manu Subedar :** May I inquire whether, in view of the losses inflicted on depositors and members of the public in the recent banking crisis in South India, Government will give further consideration to the same matter and see whether there cannot be any regulations by which the public can get better protection ?

**The Honourable Sir James Grigg :** I would ask the Honourable Member to wait until he has heard my answer to a short notice question which will be asked at the end of " questions " today.

#### LIABILITY INCURRED BY INDIA IN RESPECT OF OFFICERS OF THE ARMY AND THE NAVY.

360. **\*Mr. Manu Subedar :** (a) Will the Defence Secretary state whether any additional liability is being incurred by India in virtue of the change in the emoluments of Army officers in the United Kingdom and of the recent decision announced by the Admiralty affecting the conditions of service of officers of the Navy ?

(b) Has this amount been estimated ? If so, how much is it ?

(c) If it has not been estimated, could an idea of the volume of it be given ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (c). I refer the Honourable Member to my speech of the 9th instant on Mr. Satyamurti's adjournment motion. No appreciable additional liability will be incurred as a result of the change in conditions of service of officers of the Royal Navy.

#### INCLUSION OF CERTAIN AREAS WITHIN THE LIMITS OF THE ALLAHABAD CANTONMENT.

†361. **\*Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state whether it is a fact that there are some three or four outlying areas, known as Bairahna (otherwise called New and Old Iascar Line area), Bhagara, Gulla Bazar, Chethem Lines and Myre-gunj, which are included within the Cantonment limits of Allahabad ?

(b) Is it a fact that these areas are situated at a distance of three or four miles from the New Cantonment of Allahabad and are surrounded by the city municipal and district limits on all sides ?

(c) Is it also a fact that there are no military barracks or lines near or within these areas, and these are inhabited purely by civilian inhabitants ?

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†Answer to this question laid on the table, the questioner being absent.

(d) Have Government received a representation from the All-India Cantonments Association for the exclusion of these areas, which once formed part of the abandoned Allahabad Cantonment, from the Cantonment area and their inclusion within the Provincial Civil Municipality and District Board ?

(e) If the answer to part (d) be in the affirmative, what action have Government taken on the representation ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (d). Yes.

(c) Except New Lascar Lines in the Fort Cantonment and certain houses in Chatham Lines occupied by military personnel, these areas are inhabited by civil population.

(e) The matter has been under the consideration of Government for some time, and a report from the General Officer Commanding-in-Chief, Eastern Command, is now awaited.

#### ELECTIONS IN CANTONMENTS UNDER THE CANTONMENTS (AMENDMENT) ACT OF 1936.

†362. **\*Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state the total number of Cantonments in which fresh elections have not yet been held under the Cantonment (Amendment) Act of 1936 and the reasons for not doing so ?

(b) When are the new elections likely to be held ?

**Mr. C. M. G. Ogilvie :** (a) Eight.

*Sialkot, Kasauli and Murree Gahs.* The adaptations to the Punjab and North-West Frontier Province Cantonment Electoral Rules were published for objections on the 30th and 9th July. The final notification will be published shortly.

*Loralai.* The electoral rules are being prepared.

*Poona.* The adaptations to the Bombay Cantonment Electoral Rules are being prepared.

*St. Thomas Mount, Wellington and Cannanore.* The Madras Cantonment Electoral Rules have been adapted and finally published in the Gazette of 6th August.

(b) Steps are being taken to expedite elections as soon as the electoral rules have been adapted and other formalities completed.

#### ATTENDING OF MEETINGS OF THE CANTONMENT BOARDS BY MILITARY OFFICERS IN UNIFORMS.

†363. **\*Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary please state if it is a fact that military officers attend the meetings of the Cantonment Boards in uniform and they have to obey the orders of the Officer Commanding the Station, who is also, as a rule, the President of the Cantonment Board ?

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†Answer to this question laid on the table, the questioner being absent.  
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(b) Are there any instances in which any of the nominated officials have differed from the President? Have Government issued any instructions in this behalf? If so, what?

**Mr. C. M. G. Ogilvie :** (a) The reply to the first portion is that Government have no information, as the matter is at the discretion of the officers concerned. The reply to the latter part of the question is in the affirmative.

(b) Government have no information. The reply to the second part of the question is in the negative.

**EMOLUMENTS OF EXECUTIVE OFFICERS, ELECTIONS OF VICE-PRESIDENTS AND BAZAR COMMITTEES IN CANTONMENTS.**

†364. **\*Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state whether it is not a fact that under the Cantonments (Amendment) Act of 1936, more than half the emoluments of the post of the executive officer are to be debited to the Cantonment funds? If so, why are motor, house and travelling allowances being debited in whole to the Cantonment funds in certain Cantonment Boards?

(b) Is it not a fact that it was contemplated under the new Act that the Vice-President would be generally elected from amongst the elected members of the Cantonment Boards? If so, what is the total number of non-official elected Vice-Presidents in the whole of India?

(c) Have any powers been delegated to them? What instructions, if any, have been issued by Government in this behalf?

(d) Is it not a fact that the recommendations of the Bazar Committees have in certain cases been turned down, both by the Cantonment Boards and the higher authorities? If so, why?

(e) Is it not a fact that the unanimous resolution of the Lahore Cantonment Board, accepting the recommendations of the Bazar Committee that the area occupied by the Cantonment High School Ground, Mahtabrai Ahata, St. John Garden, Sadar Bazar Market, Sanatan Dharam School, Lal Kurti Bazar, Sadar Bazar wood-stalls, Ahata Ghansi Ram and Idgah, be included in the Sadar Bazar, has been turned down by the Government of India?

(f) What powers, if any, have been delegated to the Bazar Committees and what value, if any, have their decisions?

(g) Is it not a fact that the then Defence Secretary had stated in a speech in the Assembly that Government would not enforce their claims to the lands in Bazar and that they would remove their Military State Officers entirely from Bazars and would hand over their rights in the Bazar lands to the Cantonment Boards in other words, the Bazar Committees of the Boards? If so, why have steps not been taken to implement this assurance?

**Mr. C. M. G. Ogilvie :** (a) No. Under clause (2) of section 12 of Cantonments Act, not less than one-half of the salary of the executive officer shall be paid by the Central Government and the balance from the Cantonment Fund. The latter part of the question does not arise.

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†Answer to this question laid on the table, the questioner being absent.

(b) The attention of the Honourable Member is invited to clause (3) of section 20 of the Cantonments Act. The number of vice-presidents is regulated accordingly. At present there are 40.

(c) Under clause (2) of section 22 of Cantonments Act, it is at the discretion of the President to empower the vice-president to exercise all or any of the powers and duties specifically imposed on him by or under the Act, other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate. The Government of India are not aware of the extent to which presidents have exercised this discretion nor can they interfere with this statutory power of the president.

(d) Government have no information, as section 41 of the Cantonments Act does not require copies of the minutes of board proceedings to be forwarded to the Central Government.

(e) The attention of the Honourable Member is invited to the reply given to Mr. Sham Lal's starred question No. 240 on the 16th August, 1938.

(f) Powers are delegated to bazar committees at the discretion of the Board under clause (e) of sub-section 1 of section 44 of Cantonments Act. The Government of India are not aware of the extent to which powers have been delegated by individual boards but are prepared to make enquiries. The attention of the Honourable Member is however invited to the Government of India, Defence Department letter No. 654-R/D-4, dated the 6th September, 1937, a copy of which was laid on the table of the House on the 14th September, 1937.

(g) Yes. All lands in areas which have been declared by notification under section 43A of the Cantonments Act together with some other lands outside such areas in many cantonments have been entrusted to the management of Boards under Rule 43, Cantonment Land Administration Rules, a copy of which has been placed in the Library of the House.

#### FUNCTIONS AND SALARY OF THE MILITARY ESTATE OFFICERS.

†365. \***Mr. Mohan Lal Saksena** : (a) Will the Defence Secretary please state the functions and the salary of the Military Estate Officers, and how they compare with the Nazul Officers of the Local Governments ?

(b) Is it not a fact that, besides their duty as Nazul Officers, the incumbents have also to act as Magistrates ?

(c) Are Government prepared to consider the desirability of reducing the scale of these Military Estate Officers, or entrusting the administration of the military lands to the Cantonment Boards ?

**Mr. C. M. G. Ogilvie** : (a) The duties of the Military Estates Officers are to deal with all questions connected with the acquisition, custody and relinquishment of land on behalf of the army, and with the administration of military land inside and outside cantonments and to safeguard Government's right therein. For their salary, a reference is invited to Army Instruction (India) No. 214 of 1937, a copy of which is available in the Library of the House. Some of their duties are

similar in type to those performed by nazul officers. The latter, so far as Government are aware, are not as a rule concerned with land acquisition.

(b) Government have no information, but in cases where their work is light it is probable that they do.

(c) No.

#### MOBILISATION OF MERCHANT SHIPS FOR ASSISTANCE IN TIME OF WAR.

366. \*Mr. K. Santhanam : Will the Defence Secretary please state :

- (a) whether Government have evolved or have in contemplation, any scheme for the mobilisation of merchant ships registered in India for assistance in time of war ;
- (b) whether they propose to bear the cost of alterations or additions of certain merchant ships for this purpose ; and
- (c) if the answer to part (b) be in the affirmative, what are the nature, extent and conditions of such assistance ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). It is not in the public interest to reply to this question.

#### STIFFENING OF DECKS OF MERCHANT SHIPS FOR MOUNTING DEFENSIVE ARMAMENTS TO MEET EMERGENCIES OF WAR.

367. \*Mr. K. Santhanam : Will the Defence Secretary please state :

- (a) whether the Government of India are aware that His Majesty's Government in Great Britain have undertaken at the instance of the Admiralty :
  - (i) to provide selected merchant vessels with guns, gun mountings and ammunition, to enable these vessels to defend themselves in national interests in time of war, and
  - (ii) to bear the cost of stiffening the deck of these vessels for mounting defensive armaments for the above purpose ;
- (b) whether the cost of such stiffening of decks, etc., for this purpose is borne by His Majesty's Government in respect of ships on the United Kingdom Registry ;
- (c) whether they have considered the advisability of taking similar action as referred to in (i) and (ii) above in regard to ships on the Indian Registry, and whether they propose to recommend the owners of the ships on the Indian Registry to stiffen the decks of their merchant vessels for mounting defensive armaments to meet emergencies of war ; and
- (d) whether, in case the owners of the ships on the Indian Registry are prepared to stiffen the decks of the merchant vessels, Government are prepared to bear the whole or any part of the cost ?

Mr. C. M. G. Ogilvie : (a), (b) (c) and (d). It is not in the public interest to reply to this question.

**Mr. K. Santhanam :** May I know whether any or some kind of information can be given to the public in these matters ?

**Mr. C. M. G. Ogilvie :** " Any kind " is rather a big order.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether any discrimination will be made in this matter as between European-owned and Indian-owned ships ?

**Mr. C. M. G. Ogilvie :** I fail to understand what the Honourable Member is getting at.

**Mr. T. S. Avinashilingam Chettiar :** In reply to this question the Honourable Member said that it was not in the public interest to reply to this question. I am asking whether any discrimination will be made between merchant vessels that are owned by Indians and those that are owned by Europeans.

**Mr. C. M. G. Ogilvie :** I do not see how that arises out of this question, but I will state that neither in ships nor in men do Government ever exercise any discrimination between English and Indian.

**Seth Govind Das :** Will the Honourable Member please state what kind of information it is possible for the Honourable Member to give on this question ?

**Mr. C. M. G. Ogilvie :** None.

#### MONEY LENT TO PROVINCES BY WAY OF SHORT-PERIOD LOANS.

368. **\*Mr. Manu Subedar :** Will the Honourable the Finance Member state how much money, if any, has been lent to the Provinces, specifying the amount in each case, by way of short-period loans for use by them as cash balances, according to the scheme set out in paragraph 6, appendix III to the Niemeyer Report ?

**The Honourable Sir James Grigg :** No actual short-period loans were made to Provincial Governments for cash balance purposes. For the year 1937-38, the Central Government continued responsible for the Ways and Means arrangements of the Centre and the Provinces combined. If and when the balance of any province fell below the agreed minimum, the Centre bore the cost so far as it was due to revenue transactions and the province so far as it was due to non-revenue transactions.

#### INDIAN CHIEF JUSTICES OF HIGH COURTS.

369. **\*Mr. Manu Subedar :** (a) Will the Honourable the Home Member please state in how many High Courts in India the office of Chief Justice is occupied by an Indian ?

(b) During the last fifteen years, in which High Courts have Indians held this office not *pro tem* and acting, but as permanent incumbents ?

(c) Is the appointment made in consultation with the Government of India, or not ?

**The Honourable Mr. R. M. Maxwell :** (a) to (c). Permanent appointments to the High Courts are made by His Majesty under section 220 of the Government of India Act, 1935. The subject matter of this question is, therefore, not the concern of the Governor General in Council.

**Mr. Manu Subedar :** Are any recommendations made by the Government of India in this matter ?

**The Honourable Mr. R. M. Maxwell :** No, Sir.

#### SUPPLY OF HATS TO INDIAN TROOPS.

370. **\*Pandit Sri Krishna Dutta Paliwal :** (a) Will the Defence Secretary be pleased to state if it is proposed to supply hats to all Indian troops, except the Sikhs, in lieu of *pugree* in future ?

(b) If so, will Government please state the reason or reasons for the proposed change ?

**Mr. C. M. G. Ogilvie :** (a) The proposal to substitute a felt hat for the *pagri* has been under consideration for some time as a result of representations received from units but no decision has yet been reached.

(b) The reasons for considering the question are that the *pagri* is stated to be unsuitable under modern conditions of warfare owing to :

- (i) Its length and weight. Its excessive weight is a predisposing cause of heat stroke.
- (ii) It is difficult to keep it in position on the head during rapid action. Indian other ranks have been noticed, in hill warfare, to carry the rifle in one hand and hold the *pagri* in position with the other.
- (iii) It is conspicuous on field service.
- (iv) It gives no shade to the eyes.
- (v) It has serious disadvantages from the point of view of arranging for protection from gas.

**Mr. Lalchand Navalrai :** May I know if it is the units which have asked for this, or it is the Government of India who are forcing them to do that ?

**Mr. C. M. G. Ogilvie :** I said quite clearly, I hope, that the matter was considered as a result of representations from the units themselves. The Government have by no means made up their mind in the matter yet.

#### (b) WRITTEN ANSWERS.

#### CONVERSATIONS BETWEEN THE WAR OFFICE AND THE GOVERNMENT OF INDIA.

371. **\*Mr. Abdul Qaiyum :** Will the Defence Secretary be pleased to state :

- (a) whether the conversations between the Government of India—through Sir Ivo Vasey and others—and the War Office have resulted in any agreement ;



- (b) what the particular subjects were which were discussed during the conversations ;
- (c) whether the talks have ended ; if not, how long they are likely to last ;
- (d) whether Sir Ivo Vassey and his companions have submitted any report to the Government of India ;
- (e) if so, whether the report will be made public ; and
- (f) whether these talks are likely to result in more money being spent on the army in India ?

**Mr. C. M. G. Ogilvie :** (a)—(f). I refer the Honourable Member to my replies to starred questions Nos. 95, 113 and 131 asked on the 10th instant on the same subject and to supplementary questions arising therefrom.

#### ASSESSMENT OF INCOME-TAX AND SUPER-TAX FROM NON-RESIDENT PERSONS AND COMPANIES.

372. **\*Prof. N. G. Ranga :** Will the Honourable the Finance Member be pleased to state :

- (a) the total number of non-resident persons and total number of companies who were assessed and were required to produce the balance-sheets and profit and loss accounts of their Indian as well as world business transactions, under sections 4 (1), 42, 43 and paragraph 111 of the Manual of the Indian Income-tax Act of 1922, during the last year of income-tax and super-tax assessment ;
- (b) the total number of non-resident persons and total number of non-resident companies who submitted duly filled forms required under paragraph 111 (viii) of the Manual of the Indian Income-tax Act of 1922, giving their total world income, and who claimed refund under section 49 of the Indian Income-tax Act of 1922, during the last year of income-tax and super-tax assessment ; and
- (c) the total world incomes and Indian incomes of these non-resident persons and non-resident companies, showing separately for persons and companies ?

**Mr. A. H. Lloyd :** (a), (b) and (c). Some of the information required is not available and the rest can only be obtained from a study of all the individual proceedings arising in connection with assessments. I do not think that the value of the information would be commensurate with the amount of time and labour spent in collecting it.

#### PROPOSAL TO SPLIT THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

373. **\*Mr. K. Santhanam :** Will the Honourable the Home Member please state :

- (a) whether it is proposed to split the Department of Education, Health and Lands into two separate sections, each in charge of one Secretary, and both under one Member of the Executive Council ;

- (b) the reasons for this change ;
- (c) whether this change will cost any additional expenditure to the Indian exchequer ; and
- (d) if so, how it is justified ?

**The Honourable Mr. R. M. Maxwell :** As the question of the re-constitution of the Departments is still under consideration, I am not yet in a position to give any information.

REPORT PUBLISHED IN THE *Daily Sainik* ENTITLED " INDIAN NAVY TO BE DOUBLED ".

373A. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Defence Secretary be pleased to state whether his attention has been drawn to the report published in the *Daily Sainik*, Agra, dated the 8th July, 1938, under the caption " Indian Navy to be doubled " ?

**Mr. C. M. G. Ogilvie :** Yes.

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#### SHORT NOTICE QUESTIONS AND ANSWERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : Short notice 12 Noon. questions.

**The Honourable Sir James Grigg :** Would you, Sir, direct the Honourable Mr. Satyamurti to read both his questions and also another Honourable Member who has got down a short notice question before I give my answer, because I propose to give a general answer to all the three questions ?

#### RECENT BANK FAILURE IN SOUTH INDIA.

**Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether a prominent Bank in South India, with branches all over India and with a working capital running into crores, suspended payment on the 21st June, 1938 ;
- (b) whether, in consequence, it is a fact that life savings of a large number of people are gravely imperilled ;
- (c) whether it is alleged by the management of the Bank that want of timely assistance by the Reserve Bank of India within the limits of the act is responsible for their failure to meet the obligations against the protracted run on the Bank ;
- (d) whether, following the failure of this Bank, a run started on other South Indian scheduled banks of sufficient gravity to call for the presence at Madras of the Deputy Governor of the Reserve Bank for a number of days to allay panic ;

- (e) whether the scheduled banks submitted a memorandum to the Reserve Bank of India ;
- (f) whether the South Indian Chamber of Commerce criticised the *non possumus* attitude taken by the Reserve Bank ;
- (g) whether the *Hindu* in its editorial, dated the 15th July, 1938, reviewing the relations between the Reserve Bank and scheduled banks pointed out that the Act should be interpreted in conformity with practice obtaining in the country and that the scheduled banks are entitled to know clearly and unambiguously where they stand with the Reserve Bank in respect of their privileges both in normal as well as in abnormal times ; and
- (h) whether the Reserve Bank authorities are discharging the obligations imposed on them by section 17 of the Act in the manner and to the extent contemplated by the Act ?

WORKING OF THE RESERVE BANK OF INDIA.

**Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state whether the Government of India will call for a report from the Reserve Bank of India on the working of its banking department with special reference to the following :

- (a) the extent to which rediscount facilities in terms of section 17 (2) were availed of by scheduled banks during the three years of its working ;
- (b) whether any applications for rediscounts were rejected and, if so, for what reasons ;
- (c) whether any attempt has been made to establish closer contact with scheduled banks in normal times with a view to understanding their needs and requirements and appreciate their difficulties and disabilities in practical working ;
- (d) whether the Reserve Bank has made any attempt to build up an independent investigation bureau, apart from the Imperial Bank ;
- (e) whether the Bank, in practice, has sought to impose restrictions on the limits of discounting allowed to any scheduled bank in normal and abnormal times even on bills offered as prescribed by them ;
- (f) the extent to which facilities contemplated under section 17 (4) (d) have been availed of by scheduled banks ;
- (g) whether applications made by banks in terms of this section were turned down, because the conditions of advance as laid down in this section had been interpreted to apply to future developments of warehousing systems and not to present facilities ;

- (h) whether this view was persisted in, in spite of more normal and natural interpretations forthcoming and better in accord with the assurances of the Honourable the Finance Member at the time ; and
- (i) whether in view of the actual needs of banks, especially in times of crisis, the Reserve Bank has ever approached the Government of India for being invested with powers for advancing loans to the scheduled banks on their promissory notes backed by titles of documents to goods in the custody of the Bank ?

**Mr. Lalchand Navalrai :** Sir, I rise on a point of order. If the question is a long one and contains so many parts, a copy of it should be supplied to the Honourable Members so that they may be able to follow the answer.

**Mr. President** (The Honourable Sir Abdur Rahim) : The reason why all these short notice questions are read out is that copies of them could not be supplied to the Honourable Members. Other questions are not read out because they are available to Honourable Members.

#### RECENT BANK FAILURE IN SOUTH INDIA.

**Mr. Sami Vencatachelum Chetty :** (a) Will the Honourable the Finance Member please state if Government are aware that during the recent banking crisis in South India, the Reserve Bank of India refused to rediscount the promissory notes on demand of the clients of the scheduled banks on the ground that the promissory notes on demand were not the promissory notes maturing within ninety days ?

(b) If so, do Government agree with that view, though the promissory notes on demand were realisable even immediately ?

(c) Are Government aware that consequent on such illiberal interpretation of section 17 (2) of the Act, no scheduled bank in South India during the recent crisis was able to obtain any help from the Reserve Bank ?

(d) Is it a fact that the Reserve Bank refused to recognise the pledge chits of the clients of the scheduled banks for re-pledging with the Reserve Bank for temporary accommodation ?

(e) Is it a fact that the Reserve Bank was on the other hand prepared to accept railway receipts and warehouse warrants of goods and not the actual possession of goods by the banks for the purpose of advances by the Reserve Bank ?

(f) Is it a fact that there exist no facilities for warehousing and issuing of warrants thereon of storage in such warehouses ?

(g) Is it a fact that a large bulk of advances of the scheduled banks consist of (i) advances on promissory notes payable on demand of one or more parties, but without any security therefor, (ii) advances on similar promissory notes backed by the security of goods in possession of the bank

under documents of pledge, and (iii) advances on similar promissory notes on the security of letters of hypothecation whereby the borrowers agree to hold a certain quantity of goods in trust, or as bailies for the bank ?

(h) If so, is it a fact that, as matters stand at present, the Reserve Bank will be unable to function as bankers' bank ?

(i) Is it a fact that the only facility of advance to the scheduled banks remaining is to advance double the deposit money of the scheduled bank, and if such assistance is very meagre ?

(j) Is it a fact that investigation of credit of clients of the scheduled banks is carried on through the agency of the Imperial Bank ?

(k) Have representations been received by Government that such investigation through the Imperial Bank is resented by the scheduled banks, as the Imperial Bank is very often a competing bank ?

**The Honourable Sir James Grigg :** With your permission, Sir, I would like to reply to the three questions together, and I think it will be more satisfactory if I made a general statement which will cover the various points which have been raised. I do this because of the wide interest which has been taken in this matter but I should like to re-iterate what I have said previously about the confidentiality of communications between the Reserve Bank and Government and to say that any departure which I make in this statement from this general rule is not to be regarded as a precedent.

The affairs of the Bank in question are now before the Courts, and the Reserve Bank, with the permission of the Madras High Court, conducted a preliminary investigation into its affairs and has submitted its opinion to the Court. In the circumstances, it would be improper to inquire at this stage into the relationship between that bank and the Reserve Bank or to make other enquiries which are intimately connected with a matter which is *sub judice*.

The closure of that bank had temporary repercussions on other banks in South India, and the Deputy Governor of the Reserve Bank went to Madras to look into the situation. The actual run on the scheduled banks, however, was slight and was stopped by the issue of a communiqué by the Reserve Bank that it considered the general banking position sound, and that it saw no reason why other South Indian banks should be adversely affected by the closure of the Travancore National and Quilon Bank in circumstances which were peculiar to it.

Several requests for financial assistance were made by the scheduled banks, and the Reserve Bank met them to the extent which it judged sufficient, and which in fact proved sufficient, to meet the situation. Government have no reason to believe that the Reserve Bank authorities did not adequately discharge their obligations under the Reserve Bank Act. Government are in continuous touch with the Reserve Bank through their official director on the Central Board and are satisfied that the Bank's legal powers are adequate to enable it to assist banks which are soundly run ; and that, despite certain criticisms which appear to have been levelled against the Bank, on this occasion, it used them adequately and on proper lines and in conformity with the Reserve Bank Act. As regards individual

transactions with scheduled banks, both on this occasion and previously, the relations between the Reserve Bank and the scheduled banks must be confidential, if the interests of the latter are to be properly safeguarded, and Government therefore do not consider that it would be desirable to seek or give any further information as to the types of bills discounted or the advances made to scheduled banks beyond the totals which are published in the weekly returns of the Reserve Bank.

The Reserve Bank fully realises that if it is to be in a position to render timely assistance to soundly run banks which may find themselves in temporary difficulties, it must keep in close touch with their affairs when they are running smoothly, and it has on several occasions indicated to them its desire to do so ; but the ability of the Reserve Bank to keep in touch with them clearly depends largely on the scheduled banks themselves, as the Reserve Bank cannot compel them to disclose their affairs to it. It is, however, again addressing them in this matter.

As regards the various types of security which it may accept under the Act, there appears to be considerable misapprehension. The Reserve Bank did not refuse assistance in any instance on technical grounds ; but it naturally reserved discretion to limit its assistance to what it considered necessary and under the most appropriate security. This is the first occasion in the history of the Reserve Bank in which assistance has been required on account of a run, and though, so far, it considers its legal powers adequate (and, after all, the powers given to the Bank in the Act were based on a most careful examination of central banks in other countries), it is examining them in the light of their recent practical application and will invite the comments of the scheduled banks. If, thereafter the Bank considers any further powers desirable it will no doubt report to Government.

**Mr. S. Satyamurti :** With reference to all these questions put together, it is rather extremely difficult for us to ask supplementary questions, but we will do our best. With reference to the first question put by me, I want to ask specifically about part (g) whether the complaint in the Editorial of the *Hindu* as to the interpretation of the relations between the Reserve Bank and scheduled banks, specially to bring them into conformity with the practice obtaining in the country has been examined by the Government. I am asking particularly with regard to goods the title deeds of which are in possession of the Bank, as distinguished from a warehousing system which does not exist in the country.

**The Honourable Sir James Grigg :** I have given rather a long answer. I might suggest that Honourable Members might study it and then consider whether any further questions are really required to elucidate the position ?

**Mr. S. Satyamuri :** May it stand over then till sometime later on ?

**Mr. President** (The Honourable Sir Abdur Rahim) : It cannot be done today.

**The Honourable Sir James Grigg :** I may say that if questions are put down on any new points, not merely repetition of old ones, I am quite prepared to consider accepting short notice.

**Mr. Manu Subedar :** May I enquire, in view of what has happened and without any reference to the existing banks which are suffering or may have suffered, with regard to the future, whether Government will consider the desirability of examining the position and prepare a draft for a proper Bank Act which would give sufficient direction to all the principal Banks and give the Reserve Bank the power to compel information which the Reserve Bank, according to the statement of the Honourable the Finance Member, has not got at present ?

**The Honourable Sir James Grigg :** I have got two answers to the question, firstly, the matter with regard to Bank Act I have already answered and said that that was considered very carefully at the time of the Reserve Bank Act, it was also considered in connection with the recent Indian Companies Act ; secondly, as I have indicated in my composite reply, there are various questions which will in due course arise out of this incident and no doubt the Reserve Bank will consider all their implications.

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#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to unstarred question No. 72 asked by Sardar Sant Singh on the 12th March, 1937.*

#### DISPOSAL OF TRAFFIC ON THE RANGOON WIRELESS WORKING ON PHONES.

- (a) Yes.
- (b) No.
- (c) Yes.
- (d) The fact is substantially as stated.

(e) No, because there is both traffic and technical supervision involved and a telegraph master is not in a position to exercise proper supervision without the assistance of a wireless operator.

- (f) Does not arise in view of the replies to parts (b) and (e).

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*Information promised in reply to starred question No. 729 asked by Mr. J. D. Boyle on behalf of Lieut.-Colonel Sir Henry Gidney on the 9th March, 1938.*

#### PERSONS IN THE LOCO. AND TRAFFIC DEPARTMENTS ON STATE RAILWAYS DEGRADED TO LOWER GRADES AND NON-GRANT OF GRADE INCREASE TO CERTAIN DRIVERS AND GUARDS.

(a) On the Eastern Bengal Railway 133, East Indian Railway 565, Great Indian Peninsula Railway 1,146, and North Western Railway 848.

(b) and (c). Presumably the Honourable Member wants to know the number of the 'demoted' men who still remain to be promoted to their former posts and grades, if so, it is 15 on the Eastern Bengal Railway, 46 on the East Indian Railway, 52 on the Great Indian Peninsula, and none on the North Western Railway.

(d) I am not aware of any cases where drivers and guards have been refused increments to which they are entitled ; but if cases not governed by disciplinary orders can be specified, further enquiries will be made.

*Information promised in reply to parts (a), (b) and (c) of starred question No. 103. asked by Mr. B. B. Varma on the 28th March, 1938.*

### REFRESHMENT CARS ON STATE RAILWAY.

*Particulars of Restaurant Cars on State-Owned Railways.*

Railway.	Number of Cars		Capital Expenditure on	
	Supplying English food.	Supplying Indian food.	Cars supplying English food.	Cars supplying Indian food.
			Rs.	Rs.
Assam Bengal .. ..	3	..	92,010	..
Bengal Nagpur .. ..	13	2	7,04,065	40,504
Bombay, Baroda and Central India	24	10*	9,82,584	1,87,348
Eastern Bengal .. ..	5	..	2,12,010	..
East Indian .. ..	19	5	8,31,582	2,21,833
Great Indian Peninsula ..	33	8	22,09,546	2,79,524
Madras and Southern Mahratta	14	31	3,96,700	2,70,382
North Western .. ..	18	7	8,91,682	2,75,216
South Indian .. ..	10	14	2,70,963	1,62,712

*Information promised in reply to starred question No. 1319 asked by Mr. N. M. Joshi on the 11th April, 1938.*

### INDIAN SEAMEN SERVING ON THE UNITED KINGDOM REGISTERED SHIPS IN THE COASTAL AND OVERSEAS TRADE OF INDIA.

Year.						No. of seamen.
1932-33 .. ..	..	..	..	..	..	45,666
1933-34 .. ..	..	..	..	..	..	38,991
1934-35 .. ..	..	..	..	..	..	40,949
1935-36 .. ..	..	..	..	..	..	41,315
1936-37 .. ..	..	..	..	..	..	35,973

\* Includes 9 Bogie III class carriages in which separate compartments are set apart for Hindu and Mohammedan catering.



*Information promised in reply to part (b) of starred question No. 102 asked by Bhai Parma Nand on behalf of Mr. Lalchand Navalrai on the 10th August, 1938.*

LOTTERY TICKETS SOLD BY THE TOURIST AGENCY IN CONNAUGHT CIRCUS,  
NEW DELHI.

(b) The Tourist Agency was closed early in 1937, and so far as I am aware no other Agency is carrying on a lottery business in Delhi.

MOTIONS FOR ADJOURNMENT.

GOVERNMENT OF INDIA'S REFUSAL TO AMEND CERTAIN PENSION RULES.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Avinashilingam Chettiar has given notice of a "motion for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the decision of the Government in having dropped the proposal recommended by the Auditor-General to amend the rules so as to make it possible for Government to recover from pensions any losses caused to Government by the negligence or fraud of officers before retirement as disclosed from the communiqué issued by the Government of Madras published in the *Hindu* dated the 13th instant and received here on the 17th instant."

I should like to know how long these rules have been in existence which the Government of India refused to amend.

**Mr. T. S. Avinashilingam Chettiar** (Salim and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : These rules have been in force since a very long time. It has been suggested by the Auditor-General that the rules should be amended.

**Mr. President** (The Honourable Sir Abdur Rahim) : There are many other rules, I suppose, of the Government of India which 25 Honourable Members of this House may object to. That is no ground for an adjournment motion. I disallow the motion.

BREACHES ON THE EAST INDIAN RAILWAY LINES IN THE DISTRICT OF  
MURSHIDABAD IN BENGAL.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of another motion for adjournment from Mr. Akhil Chandra Datta. He wants to "move for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, viz., the failure of the Railway Board to sanction and provide breaches on the East Indian Railway lines in the district of Murshidabad in Bengal resulting in the collapse of half of the embankment surrounding Behrampore town and endangering the other half of the embankment and causing danger to life and property in an extensive area".

Is it your case that the Government should have anticipated the amount of rainfall ?

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I submit, Sir, it has been raining, raining and raining, and the Government did not take any steps. The Railway Board were in possession of all the facts which would go to show that the embankments would have collapsed.

**Mr. President** (The Honourable Sir Abdur Rahim) : I rule that the motion is out of order.

## ELECTION OF TWO MUSLIM MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice* Maulvi Syed Murtuza Sahib Bahadur, M.L.A., and Khan Bahadur Shaikh Fazl-i-Huq Piracha, M.L.A.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice* Maulvi Syed Murtuza Sahib Bahadur, M.L.A., and Khan Bahadur Shaikh Fazl-i-Huq Piracha, M.L.A.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : I may inform Honourable Members that for the purpose of election of two Muslim members to the Standing Committee on Pilgrimage to the Hedjaz the Notice Office will be open to receive nominations upto 12 Noon on Thursday, the 25th August, 1938, and that the election, if necessary, will be held on Monday, the 29th August, 1938. The election which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in Committee Room ‘ B ’ in the Assembly Building between the hours of 10-30 A.M., and 1 P.M.

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by Mr. C. M. G. Ogilvie on the 15th August, 1938 :

“ That the Bill to amend the criminal law be taken into consideration.”

**Captain Sardar Sir Sher Muhammad Khan** (Nominated Non-Official) : Sir, I have been listening to the speeches of my Honourable friends of the Opposition and I find that most of the arguments advanced by them were irrelevant. Mixing up this ordinary Bill with Imperialism is a great mystery and this mixing up will lead us to difficulties and misunderstandings. There is no doubt that India wants its armies to be nationalised and every Indian patriot wants that as soon as possible. That is our first and foremost object ; but if our friends on the other side put obstacles in the way of these ordinary Bills, it would not be

possible to Indianise the army. Our ultimate goal, undoubtedly, is that the Indian army should be officered and led by Indians ; but what would be the result if my Honourable friends opposite were to oppose these ordinary measures which prevent mischief-mongers from playing with the army ? What will happen if there is no army ? The result would be as a poet said :

*“ Aege ghussal Kabul se, Kafan Japan se.”*

“ Then you bring undertakers from Kabul and coffins from Japan.”

Even if the defence of our country is not completely in our own hands, it does not mean that we should stop a man from enlisting in the army and getting training for defence. In other words my Honourable friends on the other side mean that men should not join the army and Indians should not be trained for defence. It is a ridiculous idea to stop Indians from being trained in the Indian army ; it is very injurious and equal to suicide. Can they realise that when India will be free, this army which is now under training will stand any danger from any country that will invade India ?

As I was saying, Sir, most of the previous speakers advanced arguments which have no bearing on the Bill under discussion. Some of my Honourable friends read quotations, specially my Honourable friend, Sardar Sant Singh. Being a schoolmaster once, I do not mind his reading out quotations ; but he has dealt with Palestine, racial discrimination, foreign policy, frontier policy and all other questions which have no bearing on the subject matter of the Bill. I hoped, Sir, that you would intervene to stop some of the nonsensical speeches which have been made here. Sir, my Honourable friend, Sardar Sant Singh, mentioned me three or four times and so I will say something on what he said. So far, Sir, I have honestly failed to understand whom he represents. You have seen in the papers that the other day he attended a conference of non-agriculturists at Lyallpur to protest against the Bills which have been passed by the Punjab Government.

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : Sir, is all this relevant to the Bill ?

**Captain Sardar Sir Sher Muhammad Khan** : Again, the other day, he was pleading the cause of the martial races and he said that his community has given more recruits and got more honours than others. I want to know what his community is.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must not refer to any personal matters.

**Captain Sardar Sir Sher Muhammad Khan** : More than once he fought the battle of the creditors. The House will remember that last year on the Insurance Bill .....

**Mr. President** (The Honourable Sir Abdur Rahim) : That has nothing to do with this Bill.

**Captain Sardar Sir Sher Muhammad Khan** : Sir, he mentioned my name four times, and I have mentioned him only three times !

[Sir Sher Muhammad Khan.]

Now, Sir, about the Indian army, he was talking about the Indian army and martial classes and soldiers. There is no doubt that old Indian history tells us that they were divided into four classes even in old India, the Brahmans, Kshatriyas, Vaishyas and Sudras, and it was the duty of Kshatriyas to fight and of Brahmans to learn. I may tell my Honourable friend that the Indian army is composed of all the martial classes who are tested soldiers, on behalf of whom I say :

*“ Sau pusht se hai pesh-i-aba sipahgari*

*Is Jang-i-zargari hi se izzat nahin mujhe.”*

“ For thousands of years our profession is soldiering ; sham fights and mock fights are not the source of honours to us.”

Now, Sir, I come to the object of this Bill. It is really meant to penalise the activities of the mischief-mongers who dissuade young men from joining the army or persuade soldiers already in the army to rebel. I ask my Honourable friends who are sensible whether any Government would allow that. Even the Governments run by my friend, Mr. Satyamurti, would not allow the mischief-mongers to play with the army and ask soldiers to rebel. No Government in the world would allow that sort of thing. And I think the punishment proposed by my Honourable friend, *viz.*, two years' imprisonment, is too light. If you read Hitler's orders you will find that disobedience of his orders involves capital punishment even in manoeuvres. And my Honourable friend should have proposed death as the penalty for interfering with the army.

**An Honourable Member :** When you are Commander-in-Chief, you will shoot everybody.

**Captain Sardar Sir Sher Muhammad Khan :** If any one does that, that is to play with the army when I am Commander-in-Chief, I will deal with him like a soldier. I was very sorry to hear some Members saying it was perfectly right and justifiable that men should go and ask soldiers to rebel. My friend, Sardar Sant Singh, quoted from a book (Interruptions) . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim) : I must ask Honourable Members to restrain themselves. Every Honourable Member has a right to speak without being interrupted in this House, and not only certain Members.

**Captain Sardar Sir Sher Muhammad Khan :** He even justified that men should be allowed to go and ask sepoys to mutiny and rebel. I do not think any Government, even a Congress Government, would allow that. So I would ask my Honourable friends to keep the army away from politics. Politics is poison for the army. If there is no loyalty and discipline in the army, my Honourable friend, Mr. Sham Lal, must remember that he and his community would be wiped out from India.

**An Honourable Member :** What is his community ?

**Captain Sardar Sir Sher Muhammad Khan :** Bania. As we all know, we all want the army to be composed of efficient soldiers, but soldiers are not made in factories. You can make Governors and Viceroys but can you make a single Colonel or General overnight ? It takes thirty

years even to command a Battalion or Brigade or to become a Colonel or a General. So it is not an easy question. The difference between me and Honourable Members opposite is that they are men of words and I am a man of action. My friend, Mr. Gadgil, whose labour I appreciate, really put the right figures and facts about the field for recruiting and that this agitation had no effect on recruiting. But does he mean to say that the Government should sit still with folded hands, and should not introduce some measure to stop these things? These men are preparing the ground for mischief; and when war breaks out, these people will be let loose and they will spread this propaganda. So Government is quite right in bringing forward this legislation. You cannot be digging a well when the fire has broken out—you must have a fire brigade ready and then only you can tackle the fire.

My Honourable friend, Mr. Sham Lal, I think, said that he was sorry that only the sons of landlords and titleholders were enlisted in the army. I wish Government had done that, and I blame Government for not doing that. They are enlisting banias' sons and that is why Sir Philip Chetwode said in England that the best type was not forthcoming. If banias' sons had not been recruited and if only real landlords' sons and titleholders' sons had been recruited, Sir Philip Chetwode would not have said a single word against them. I remember a story here which Mr. Sham Lal may like, but I am sorry I cannot say it in this Honourable House. (*Cries of "Go on"*.)

Now, I come to my friend, Mr. Abdul Qaiyum. It is all very well to get up here and deliver fiery speeches with no statesmanship or tact in them. My Honourable friend must remember that he is not talking in the streets of Peshawar to tongawallas and tea-sellers. Here we have men who understand politics and statesmanship.....

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : The tea-sellers of Peshawar are far more respectable than the Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should withdraw that expression; he should not make that kind of personal remark.

**Mr. Abdul Qaiyum** : I withdraw the remark, Sir, but.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is saying that he is not making any personal remark against any one, and the Honourable Member (Mr. Abdul Qaiyum) had, therefore, no right to make a personal remark of that nature.

**Mr. Abdul Qaiyum** : I will withdraw what I said, Sir; but the Honourable Member must also withdraw the aspersions and reflections which he has made on respectable residents of my constituency. I take the strongest exception to it. He does not represent anybody but I represent my people in my representative capacity: why should he call them names? They are far more respectable and better patriots than the Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member should not say that, he should withdraw it.

**Mr. Abdul Qaiyum :** I will withdraw it, but I would request you, Sir, to ask the Honourable Member not to cast any aspersions on my constituents. That is why I stood up. He referred to them contemptuously. I am here to defend their interests. He must withdraw. (*Cries of "Withdraw, withdraw."*)

**Captain Sardar Sir Sher Muhammad Khan :** I have said nothing against any one, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the Honourable Member has said that he did not mean to cast any aspersions on any one.

**Mr. Abdul Qaiyum :** Let him say so, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : He only said that when addressing your constituency you might make that sort of remark. There is a difference between addressing one's constituency and addressing Members of this House.

**Captain Sardar Sir Sher Muhammad Khan :** I have said nothing against his constituency. My friend has already got so nervous while I have got two more pages for him. Talking and shouting will not do. We are men of action. My friend, Mr. Abdul Qaiyum, said something about the Indian army and that it was of no use. Probably he did not mean it seriously. If he had really seriously meant that, I might ask him who saved him when the Afridis raided Peshawar : who saved him and who saved the Peshawaris ? It was the Indian Army. ....

**Mr. Abdul Qaiyum :** We wanted the Afridis to come. In fact, we welcomed them.

**Captain Sardar Sir Sher Muhammad Khan :** Then, Sir, I am sorry my friend went on to say. .... (Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should not be interrupted in that way.

**Mr. Abdul Qaiyum :** But, Sir, is he right in provoking us ?

**Captain Sardar Sir Sher Muhammad Khan :** If the Afridis had carried him away from Peshawar, who will pay his ransom ?

**Mr. Abdul Qaiyum :** Do not worry.

**Captain Sardar Sir Sher Muhammad Khan :** Then he appealed to my Honourable friends of the Muslim League to vote for the Bill. What right has he to ask. ....

**Mr. Abdul Qaiyum :** On a point of information, Sir, I never appealed to the Muslim League to vote for the Bill ; I appealed to them to vote against the Bill.

**Captain Sardar Sir Sher Muhammad Khan :** All right. A few words more, and I have done. Some Honourable Members said about the defence of Madras and Bombay. ....

**Mr. N. M. Joshi** (Nominated Non-Official) : What do you know of Bombay ?

**Captain Sardar Sir Sher Muhammad Khan :** I know more than you because Mahatma Gandhi comes from Bombay. Some Members said that they did not want any army for Bombay or Madras and they will look after themselves. What happened when the Emden attacked Madras ?

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Who said all this ? Nobody said that.

**Captain Sardar Sir Sher Muhammad Khan :** All right. Probably when an enemy comes to Bombay, when you do not have an army, you will go and present an address at the Gateway of India to him. With these words I oppose the motion of Mr. Satyamurti.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : Sir, I crave your indulgence to permit me to sit down and make my speech. I have got a very severe attack of oedema, and if I stand long, it means torture to me.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : How will you fight ?

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member is not well enough to address the House standing, then he can do so sitting.

**Mr. Sri Prakasa :** Then, he must stand at the close of the speech so that we may know that he has finished.

**Maulana Shaukat Ali :** Sir, I need hardly assure my friend, Mr. Sri Prakasa, that since I cannot run, I will stay fighting while he can run away from the field. I want to take this debate to a somewhat higher level. (Interruption.)

**Mr. Sri Prakasa :** You are entirely mistaking your man !

**Maulana Shaukat Ali :** I think my voice is strong enough to reach everybody if they will only exercise a little patience. They can tear me to pieces if they like after they have heard me,—I shall not complain,—but I want my friends to show me a little patience and listen to me carefully before they try to interrupt me. I am a hardened sinner, I have stood the racket a good deal more than any of them here, so they will get no change out of me.

Now, Sir, I have been listening to the speeches made on the floor of the House during the last few days with very great care and interest. The name of my late brother, Maulana Muhammad Ali, and that of mine have been brought in in the course of these discussions, but I do not propose to say much about it. We, Sir, on this side of the House are a small group of Muslim Leaguers, and we have received advice from this side of the House (Government) and from that side (Congress), in fact from all sides to vote with them. One Honourable Member from the unattached side even came over to our Bench and abused us, and, if it was not for the decorum of the House, he would have received a reply which he would have remembered all his life. But, Sir, I do not want to create more tension,—we have already enough tension and excitement in the country,—and I do not want to say anything to increase it. The whole object of this bullying and appealing was that they wanted us to vote with them. I know perfectly well, the Muslim League today is a small, disorganized weakling, it is

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a small group, but we are growing fast and perfectly capable of putting up a fight, and so I think our friends should leave us alone and the question of giving our votes may be left to our own conscience.

I remember very well in the early days when my late brother published his paper, the well-known *Comrade*, a cartoon appeared in it, showing a high caste Hindu standing in front of a poor untouchable grovelling before him saying "Away with thee, but give me thy vote". I am not going to give my vote to anybody unless I am convinced that it is in the interests of Islam, my people and my country. So far, neither the Government nor the Congress listened to us. They both wanted us as camp followers which we refused to be. I would ask my Congress friends to remember one thing—there is a vast difference between us in regard to our policies. My friends on this side (Congress) are advocating the policy of Mr. Gandhi who believes in non-violence in thoughts, in words and in deeds, but how far my friends here carry out their chief's policy in this House is a matter for the world to judge. One should not cast stones at others if he is not prepared to receive them back. Therefore, it would serve no purpose if you abuse me and I abuse you in return, because matters will go from bad to worse.

Sir, I may tell you one thing that we Muslims do not believe in non-violence as a policy. Every one knows it, our Great Prophet (may God's peace be on him) and the Holy Quran have enjoined on us that when we are attacked, we should not hesitate to get up and strike a blow in return. That is our faith, which is entirely opposed to what Mr. Gandhi preaches and they believe in. We are in a minority in India, and so how are we going to meet the present position? I think my friend, Mr. Satyamurti, said that India should have her own army for defence. I don't know if Mr. Gandhi will approve even of an army which would defend by violence. I have been in close association with Mr. Gandhi for several years, and, so far as I know, it was never his policy to resort to violence of any sort under any circumstances, but I do not know if the policy in their camp has now changed. I do not know what is happening there now. We, for our part, Sir, cannot go and ask our Muslim brethren not to enlist themselves in the army in the event of a war; we cannot ask our Muslim brethren to revolt or to start a revolution in case they are called upon to enter the army in large numbers. After all, the army is a big affair, it consists of both Hindus, Muslims and also other castes, and the larger the number of men trained as soldiers, the better it is for our country. But how and where they should be employed is a matter to be decided by us.

Now, Sir, I come to the Khilafatist trial at Karachi in which my brother, myself and other co-workers were tried and sentenced. I was a devoted worker in the Khilafat movement, and the Government of Lloyd George wanted to send our soldiers to Angora and fight against our Turkish brethren, and we said "No". Before we went to prison, I felt the innermost call of my heart which prompted me to take the action I did. Two or three of my friends and, later on, some other friends decided to act and pit ourselves against the might of the British and we were interned. While we were in prison, Hindu merchants and rich men started many funds in Calcutta and Bombay, and clocks were put up to show the daily increase in the contributions, and there was a regular competition between the various



provinces as to which province contributed the most in men and money to aid the British Government. Then we were prompted to take the action we did, because we felt it was necessary to take such action then ; we felt the call and gladly suffered and paid a penalty for our convictions. But, now, we have to be very careful before we give the same advice to our people. Circumstances have changed. Some day we will have to rule our own country ; we will have to administer justice ; we will have to carry on the administration of this country. How are we to carry on the administration of our country without a well trained army of soldiers consisting of all castes and creeds ? I do not want to introduce any distinction between martial and non-martial classes ; we must all be prepared to defend our country. We want Indianisation in the true sense of the word. I know the Government of India are very tardy in this respect. Anyway, Sir, if you really want no army, then alone you can go and tell your people not to join the army ; you can teach them to break the discipline, to revolt and to resort to a revolution and what not, but I strongly feel and do say that we would be wrong ; that will be a very bad thing for everyone of us, because I know that if plague breaks out once on that side, it will spread to this side also. We have to think of a future, and, therefore, I think we should not even in a moment of excitement create a feeling among people which will in the long run recoil on ourselves, and which will be against our own interests.

My young friend, Mr. Abdul Qaiyum, referred to me in his speeches. Sir, I have a soft corner for him in my heart. He was once a pupil of my late brother, Maulana Muhammad Ali ; he was in the Khilafat movement as a young worker. He is in the opposite camp and often talks big. When he does so, my only reply to my young friend is : " I am coming to the Frontier Province, and there we will talk ". I did go there, and he knows the result. In the same way, I shall not try to reply to him here, but when I go to his Province in October next, I shall have my further talks with him. Sir, as things stand today, I see no chances of understanding between us and the Congress. I fear this tension will grow, and I feel also that all of us in this unfortunate position should be very careful to see that we do not aggravate the present condition. I will tell the Congress friends that there is no use abusing your opponents or shouting at them for the sake of getting a vote. That kind of thing will not help any one. You may brow-beat and bully a weakling, but you will not succeed in attaining your object. There ought to be a better policy pursued in the interest of the country. I know we Muslims are very few here, we are also in a minority in the country, but we have a certain responsibility as regards our people, and we do not want to create and accept a defeatist mentality, because if in some provinces you happen to be in a huge majority, in four provinces we are also in a majority, big or small, though weak and unorganised today. You succeed in dividing Muslims and in making them to quarrel amongst themselves, because they are not properly organised, but you will fail in your object. Whatever may be, Sir, I want that brave, strong and healthy soldiers from all classes of people, irrespective of caste or creed, should be trained and so this kind of brow-beating a certain section, because you happen to be in a majority, is really a very ugly thing and would do and is doing lots of harm to our country. I warn the House that a moment comes when even the proverbial worm turns, and I think it will not be for the good of the country or of even the majority community. Look at what is

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happening in the world. Suppose the British go away—no doubt, the sooner they do so, the better—but do you think that without any arms, without any preparation, without an army you will be able to do anything? Will you be able to stop other greedy people from coming down upon us? Will you be able to stop other nations, other European nations? They have power, they have trained soldiers, they have military strength and they will come and attack you. Sir, I submit that the opposition to this Bill is wrong. I am perfectly confident that if they want to send Muslim troops to Palestine, we shall not allow them. One or two years' imprisonment will not make much of an impression. There was the Karachi trial where we were likely to get 20 years' imprisonment, but we did not care. We were sentenced to four years' imprisonment concurrently. But it did not stop us. I hope I will not be considered impertinent if I say that this Government, if they ever try to send Muslim troops again to Palestine or Indian troops anywhere against the wishes of the people of India, they will be committing an act of folly if not madness. If they do, we shall work against them as we did before, and what is two years' imprisonment for doing our duty! You start a revolution instead of talking, and I shall be with you. You want Indianisation; you want to open up higher jobs for us. Look at the civilian block opposite. Why do you ask them to resign? Why do you want to go and deprive the poor soldiers only of their meagre livelihood? Today there are about a lakh of Muslim soldiers in the Punjab and they will be left starving and poor if I go and ask them to resign and revolt, as a result of this amendment of my Honourable friend, Mr. Satyamurti. And, what after it? If India was united and there was concerted action amongst us, it would be something, but today you and I are disunited. I do not want to use strong language, I may be tempted to do so, but I apologise if I use strong language which I am tempted to do. I make an earnest appeal to the Congress Group that this kind of thing should stop. In my own humble way, though you may attribute and do attribute it to whatever motives you like, I must persist. I am near the end of my life, life has not been overhappy with me, and the sooner this inglorious life is at an end, the better. We do feel that more Indians should be educated and trained; more Indians should be in the army, so that we may be able to defend our own hearths and homes. Supposing the British go away, when there is a war in Europe—they need not use your army. What is, after all, an army of a lakh or two lakhs? I think England can give two or three lakhs more of soldiers, they are patriotic enough for that. They will say "Don't give us your men. Keep them. We will send our own men".

**An Honourable Member :** Also women.

**Maulana Shaukat Ali :** The more honour to them if they send their women to fight, when we men refuse to fight, and it is a matter of shame for us. Supposing the British are beaten in the world war and go out of India, then you would need more army to defend your country. Do other people believe in non-violence as you do? If you lie down on the ground when they attack you, they won't stop, they will go on and will laugh at you, and the whole world will laugh at you. Let us by all means get as much control of the army as possible. Give this Government advice, and if they do not take it, then think of action. There is no use of merely talking. The only result of that is that we quarrel among ourselves over

small things. In this respect I am tempted to tell a story against my brother, Mr. Abdul Qaiyum. When I was a boy, my nurse used to tell me a story. A lazy young man, strong and hefty, came over and asked for service. The employer asked him "What is your name"?

"Mera nam hai shakkar para"—(My name is sugar-candy).

"Tum khate kitna ho"—(How much do you eat?).

"Mun das bara"—(Ten or twelve maunds).

"Pani kitna pite ho"—(How much water do you drink?).

"Mutka sara"—(A whole jarful).

"Kam kitna karte ho"—(How much work do you do?).

"Main hun nanna bechara"—(Oh work—I am a poor little boy!).

Mr. Qaiyum, when asked to fight, says "He is non-violent". That is the position. I am not a believer in non-violence. I lived and worked with Mr. Gandhi for several years, as everybody knows, and went about with him, but I could not keep it up, and said "good bye", because I did not agree with him. I say, do not make the tension greater. You may pursue your tactics, you may manoeuvre, you may try again mass contact scheme with Muslims, but you will not succeed. I will oppose you with the same weapon, I can do it, and I am a bit of genius in that line. I do not want you to indulge in mass contact. (Interruption.) I do not object to my Honourable friend, Mr. Paliwal's interruption. He is sitting next to Mr. Sri Prakasa who has wit and humour. He ought to take lessons from him before he makes a pointless joke, and I hope he won't mind my quoting an Urdu verse :

*"Iage munh bhi chhirhane dete dete galian saheb*

*Zaban bigri to bigri thi, khabar lijye dahan bigra."*

"You have begun making faces besides abusing. Take care your tongue had gone bad before, the face may also go wrong now."

I hope you will not make this tension worse. You may stigmatise me as a toady or reactionary, accepting bribes from the British. I wish that bribes were given to me from any quarter. At one time, when we were with the Congress, when the Hindus and Muslims were working together, it was said that we were getting vast sums of money from the Hindus. They can reveal true facts now. When we left the Congress, it was said that I was getting huge sums of money from the Government, whereas the Government are not giving even my pension for eleven years. I hope some Honourable Congress friend will move soon that I may be given my back pension.

**An Honourable Member :** With interest.

**Maulana Shaukat Ali :** I am a Muslim and do not take interest, but in this case I will become a Hindu and accept compound interest with pleasure. I am extremely sorry that I cannot support this amendment. If the British Government misuse my soldiers and hurt me in my faith,—as I said before, when such an occasion arises—I will act as I did before—I want them to give up Palestine. We Muslims here and elsewhere are 100 millions strong, and the British ought to have more feeling for us than for foreign Jews from Poland, Russia and other places. Palestine is not their country—they left it long ago,—it is our country. We must have it back. I am in

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touch with Palestine, I know every district, every nook and corner of that Holy Land. My brother is buried there, and I have many very dear friends there, and I know the feelings of the Arabs and the whole of the Arab race. Whatever you may do, Palestine will be in the possession of the Muslims and the Arabs. I beg to submit again that this war on the frontier against our Waziri brethren should stop. Don't use this peaceful penetration policy, this "forceful" penetration which it really is. This state of affairs should be stopped, and it will be to your interest and the interest of the British Empire. A strong, contented, powerful Afghanistan, a strong, contented set of brave independent tribes, a contented, brave and organised India, will be of greater use to you than any law or Statute that you can make. That is all I wish to say.

**Mr. Govind V. Deshmukh** (Nagpur Division : Non-Muhammadan) :

1 P.M.

I have followed the discussion very closely and I am sorry to find that there has been a confusion in the minds of certain persons. I do not attribute it to any perversity. It has been suggested by more than one Member on the opposite side that we, on this side, do not want an army, that persons who are mischiefmongers are going about trying to dissuade persons from enlisting in the army. As a matter of fact, the facts are otherwise. If speeches have been made, it does not appear to me that they had any effect in dissuading persons from enlisting themselves in the army. We have had from Mr. Reality, as he was called, that there is clamour in the Punjab for enlistment, that there is a cry that there should be war, so that they can make money. Then how is it that speeches made are going to dissuade persons from enlisting in the army? I submit that there are no such speeches made or, if they have been made, they must have had some other object. It is wrong, therefore, to suggest that speeches are being made to dissuade persons from enlisting themselves in the army. On this side of the House, it is not our case that there should be no army. Please do not confuse the issues and don't give a dog a bad name and hang it. We do not say that you should not have an army. We are not raising an army for the first time. The army is there. You want to raise a fear in the minds of the public by saying : 'Here are these men who do not want an army. In that case, there will be theft, robbery and arson and so on, and there will be no protection'. Let us be considerate and reasonable and not appeal to passions or any League or any community or religion. Let us face the facts as they are. This Bill which we are considering is in the nature of a muzzle which is meant to silence our conscience. It puts a restraint on our liberty. An attempt has been made to justify the restriction which this Bill imposes upon us by a reference to the enforcement of the Criminal Law Amendment Act in Madras. People fail to appreciate the distinction there is. It is a vain attempt to justify the imposition of restriction by this Bill by referring to the restriction in Madras. There the restriction has been placed by a responsible Government which can be removed by the Legislature purely in the interest of the people ; while the restriction contemplated is by an irresponsible Government in the interest of the foreigners. That is an important distinction which you must not forget. Let me illustrate my point in this way, though the illustration may fall short of the proposition that I have been laying down. There is a person who is suffering from pneumonia. He is advised by the

doctor that he should not sit up. He tells the nurse : ' do not allow the patient to get up '. If the person does not wish to follow the advice he can dispense with that doctor and the nurse if he so desires ; then he takes the consequences. There is another case where a man enters your house and holds a pistol at your head, asks you not to move and ransacks the house and clears it of all valuable possessions. There is a lot of difference between the restriction of freedom in the two cases. You cannot say that both the cases are identical. If Mr. Narang is anxious to have an army first and then going to decide what the policy should be, then he is playing with fire. Let us be guided by experience. We have already an army for years. It is not as if a new army is going to come into existence today. It has been in existence for so many years. Mr. Narang has been here for more years than myself. Certainly he cannot say that when Government wanted to send the army overseas or across the border, Government followed our advice. Let us carefully consider the matter. Even children when once they burn their fingers by touching a certain object, learn by experience and will not touch that object again and they become wiser. You have been supporting and maintaining this army for so many years and what has been the result ?

Let us see what the effect of supporting this Bill would be. It would preclude us, hereafter, from protesting if our armies are sent abroad or across the border. What does the Statement of Objects and Reasons say ? This Bill is intended to punish those persons who dissuade people from joining in the army and from taking part in any war in which the British Empire may become engaged. You want recruits—what for ? For fighting the battles of the British Empire. The Empire is not India. If we pass a Bill like this, then it will be impossible for us to protest when our armies are sent overseas or across the border to fight the battles of the British Empire. If we protest, the Defence Secretary will at once say : ' Look here, gentlemen. Have you read the Statement of Objects and Reasons. The army is raised to fight the battles of the British Empire '. Then you cannot really protest. What does the Bill propose to do ? It proposes to penalize the activities of such persons as wish to dissuade the would-be recruits from fighting the battles in which the British Empire may become engaged. If I tell the recruits not to fight, you can, under this Bill, put me in jail. Have I not fought your battles before this ? And what has been the result ? Colonies have been made comfortable and secure to live in by the Indian labourer and the Indian soldier. Have his brethren got anything ? They do not enjoy today the rights and privileges which even the aliens enjoy in the colonies. Will you support an Empire like this which leaves you in the lurch, which exploits your men and money to maintain itself ? Will you support a Government like this ? Sir, it is really too much to ask us to support this Bill as it is and ask us to fight Empire's battles. What shall we fight for ? Shall we fight because you put restraints on our acquisition and enjoyment of the lands in the colonies ? Shall we fight for the differential treatment you give us in issuing trade licenses ? Shall we fight for the segregated quarters that you have allotted to us for living in ? Shall we fight for denying us franchise ? What shall we fight for ? You have, as a matter of fact, deprived Indians of their lands, of their trade licenses and all their means of living. You are destroying our people by destroying all their means of livelihood. That is the charge which we make against the colonies. England may say,

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“ love me, help me ”, but she cannot say, “ love me and love my dogs ”. Sir, we are not really going to support her dogs whatever that may be. **What shall we fight for ?** Shall we fight because the colonies insult us, because the colonies give threats to us ? Is it because we are helpless that we shall fight the battles of the Empire ? Recently, Sir, a certain gentleman, who is called Lord Francis Scott, said in an over-lordly fashion :

“ We will not tolerate interference from local Indians, the Government of India or anybody else on this particular question ”.

at a meeting,—referring to the agitation against the Order-in-Council in regard to the Kenya Highlands area. Sir, this threat was conveyed here by Reuter on the 24th January, 1937. He says :

“ We will not tolerate interference from local Indians ”,—*and not only that,—*  
“ the Government of India or anybody else on this particular question.”

Anybody else means the Imperial Government. Now, if there is a threat like this, are we going to support such colonies who administer threats to our Government like that ? Sir, we want you to be a Government possessing some self-respect, we do not want you to go down on your knees as you do now whenever they threaten you. See, Sir, how they hate you. Will you always support them and always defend the cause of the colonies ? Think of what this threat means. They do not listen to the emissaries that you send. They do not listen to you and yet you want us to spill our blood and you want us to spend our money and sacrifice our men and do everything that is really desirable only from their point of view. I submit, Sir, I am not saying too much. What you are asking is an impossibility. I ask that every Member should consider these questions and these facts which stare you in the face. Sir, I am not appealing to communal feelings, I ask you to really consider these facts. Do not be oblivious of these facts when you come to vote on the motion for the consideration of the Bill. It has been said, leave aside the colonies, there is this Great Britain. Well, I have dealt with the colonies but I have not got a good opinion about Great Britain either. How has Great Britain acquitted herself ? Sir, she has exploited this country for so many years, the country has been drained and, as Lord Hardinge would have said, bled white. This country has been drained to this extent, and shall we support this Government on this motion and spend money ? Recruits cannot be had merely for the asking of it. Shall we help you in any war which Great Britain or the colonies might be involved in ? Certainly not. Sir, if we take this attitude, there is surely a justification for this attitude of ours. Now, I come to certain exceptions to this clause...

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can continue his speech if he likes after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. Govind V. Deshmukh :** Mr. Deputy President, Sir, before I come to the provisions of the Bill, let me refer to the song of the siren sung to enslave us during the course of the debate. There was one Honourable Member who sang this and there may be many more to sing the same song. It has been suggested that the British Empire and India are the same. It was Mr. Shivaraj who said so. Well, we on this side, differ very much, but we are lucky enough to find others on the opposite Benches also differing from him. It was Sir Muhammad Yamin Khan who said that he had objections to the words "British Empire" in the Statement of Objects and Reasons of this Bill, I am very glad that there is one such Honourable Member on the other side, and I would request Mr. Shivaraj to get matters explained from him. Sir, the interests of the British Empire and of India are certainly not the same. Great Britain and the Colonies have de-spoiled us. As it is, it is misery enough that we have been de-spoiled but it is adding insult to injury to be told by these de-spoilers that they are our benevolent benefactors. I should like those Honourable Members who want to support this Bill to say whether they wish to support this Bill, because they like the treatment that is meted out by the Colonies to the Indians or because Great Britain has exploited India. There are no other grounds and no other justification for supporting a Bill like this. At least, I cannot imagine any other ground. Any person who has got self-respect in this House cannot be in a position to support this Bill. It has been suggested that those who go out now dissuading the wouldbe recruits from getting enlisted to fight in wars in which the British Empire may be engaged are mischiefmongers. If you ignore the insults which are offered to the representatives of this Government and to the persons who are their own blood relations and if you also ignore their interests, then certainly you can call them mischiefmongers. But if you respect the interests of your own countrymen and if you have any regard for the self-respect of your own countrymen, then you cannot charge any person who says : ' Oh, do not get yourself recruited for fighting the battles of the British Empire ' as a mischiefmonger. Do not consider that persons on this side have nothing at stake or that they are afraid to fight. There are persons on this side who are equally respectable, who hold a high social status, who are the sons of the zamindars and who will stand side by side to defend this country. They will certainly come forward to join the army if persons on the Opposite Benches will restrict their activities merely to fighting for the defence of this country.

Sir, I do not wish to refer to the provisions of the Bill, but I wish to refer to the two Exceptions. Exception No. 1 says that you are free to criticise the policy. As it is, our freedom to criticise is very much hedged in by the phraseology ' in good faith, so as not to dissuade the recruits ' and so on. After all these phrases, I submit there can be very little freedom to criticise the policy. And what is the good of criticising the policy ? Can we influence it ? I do not think we can be beguiled by this little toy. Has it ever done any good up till now ? We have criticised the policy of Indianisation ; we have criticised the forward policy ; and we have criticised so many other things and yet with no effect. It is, therefore, useless to say that Exception 1 gives us some latitude to

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criticise the policy. Those persons who want to support this Bill should demand first from the Government, a constitutional guarantee that this army shall not be sent overseas and shall not be sent across the border. They should also demand a constitutional guarantee that Government shall abide by the decision of this House. Let us not be indecisive ; let us be definite. To say let us have our own army first and then we will see with whom to fight is full of risks. Experience has taught us that we, as a matter of fact, have no hold over the movements of the army. It may be sent anywhere—to places where you do not desire it to be sent. As my friend, Mr. Abdul Qaiyum, observes, it is giving a weapon in their hands and it is absurd to say afterwards that we will defend ourselves. Sir, the second Exception to this Bill allows a person to give advice to his kith and kin or to his dependants so that they may join or may not join the army. That is the only latitude which has been given. If I can in my own interest advise my kith and kin not to enrol themselves to fight the battles of the British Empire, then I see no reason why anything should prevent me from saying the same thing to the public ? Why should anything prevent me from giving the same advice to people in whom I am interested ? This Bill allows you to love yourself, to care and love your kith and kin, requires you to love the Empire more, but your country never. Sir, I oppose the consideration of this Bill.

**Mr. Amarendra Nath Chattopadhyaya** (Burdwan Division : Non-Muhammadan Rural) : Sir, for the last three days, I have listened to the speeches of the Honourable Members regarding the Bill both in support of this motion, including that of my Honourable friend, Mr. Satyamurti, and against it. Sir, we have been accustomed to all sorts of repressive measures in this land of ours and the authors and sponsors of those repressive measures have taken it for granted that whatever measures of further repression they may introduce will be acceptable to us. Sir, but those who feel that 350 millions of Mother India's children have been kept under foot by this foreign nation for over a century cannot possibly support a measure of this kind. Those who feel they are not happy under subjugation will never support.

Sir, the Statement of Objects and Reasons says :

“ A large number of public speeches designed to dissuade persons from enlisting in the Defence Forces or, in the alternative, to incite would-be recruits to commit acts of mutiny or insubordination after joining those Forces have come to notice during the past eighteen months. The object of the speakers is clearly not the spread of pacifism, but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged. The Bill is designed to penalise these activities.”

Sir, those who are familiar with or are in charge of the legal aspect of this Bill have declared that this Bill is in order. Now, there is no use questioning the legal aspect. But for those who have been fighting for the freedom of India for over thirty years, this law has no meaning to them, everything in this Bill is out of order. Is it unlawful to ask or persuade a man to tell the truth ? Is it unlawful to ask a man not to steal ? Is it unlawful to ask a man not to be connected with nefarious activities ? If all these are not unlawful, why should it be unlawful for any man to ask his neighbour or his friend or countrymen not to join the army where he has to kill his own kinsmen or where has has to kill people with whom he or they are not at war or be killed for no purpose. This Bill has no moral sanction. A law without any moral sanction



cannot be worth the name of law. The Honourable the Defence Secretary said that this was a non-contentious measure. He did not know that he stuck a hornet's nest and the stings which he must have been so keenly feeling all these days have been fortunately palliated by the sweet speeches of some of my Muslim brethren, in his support. I wonder why my Muslim brethren have thought it fit to support this Bill though they do not contest the proposition that this Bill forges another link to our chain of bondage. I could not follow why our Muslim friends thought it wise to support the Government when the Government are forging fetters after fetters on us. The preamble to the Bill says :

"Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces ; It is hereby enacted as follows :"

Clause 2 (a) says :

"2. Whoever :

(a) wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air forces of His Majesty, or "

Sir, it wants us to help recruitment and lead our countrymen to join the British army when they go to war against other nations.

Sir, the British Government in India, in the name of the Empire is appealing to our loyalty. They have traded on our loyalty for over a century. They have misused, misinterpreted our loyalty to the Crown. Loyalty truly means that one must be true to himself. I submit that if any Indian is loyal to himself, he cannot be loyal to the British Government which is a government of the conquerors. There cannot be any love between the conquerors and the conquered. Whenever any man tries to create by any Act or any law a feeling of loyalty or love between the conquerors and the conquered, I say emphatically that that man is doing a harm, a wrong to the conquered. There cannot be any psychological or moral explanation of love between the conquerors and the conquered. If any law is to be introduced and passed in any Assembly, it must be a law to help us to free us from the fetters of bondage and to further our efforts to make us independent. If in the course of our legislative life, we become a party to any law which will bind us further and further, we shall be false to ourselves and to our constituency. My Honourable friend, Mr. Joshi, suggested that in order to counter the mischief by the preachers dissuading people from joining the army, the Government should employ propagandists persuading people to join the army. He suggested that Government should subsidise newspapers and appoint preachers to preach in the villages to the effect that the British Government is a benevolent government and that it stands for the protection of the people of India. I submit, Sir, the Government have a guilty conscience ; therefore, they cannot try it. This Bill is undoubtedly the outcome of an extreme nervousness on the part of the Government due to guilty conscience. The Indians have been bled for England in many wars. We have been bled in China, we have been bled in Africa, in France, Turkey and other places. The Government have been trading on our loyalty and been treating us as serfs all these years. What has India gained thereby ? It may be said that we are ruling in seven provinces. But I do not share these feelings or these views. I do not believe that we have got even a part of independence, not even the shadow thereof. Sir, those provinces which are seemingly enjoying power must be careful about their

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position. It may sound vulgar, but I feel that their position is like the position of mistress of an intoxicated lover or they are tenants at will. The Government, whenever they come to their own after the international tangle is over, will come with all its forces and show these Ministers the way to the jail again. I feel constantly, in whatever position I am, either as a Congress worker or as a legislator or in my own home, that I belong to a subject race. I cannot forget that India is a subject race and there cannot be any question why India should be a party to any war in which she has no concern. Our European friends here know best what will become of England if the Empire vanishes. Sir, England was a mere dot in the map of the whole world and became large after coming into contact with and securing India. They have secured the Empire at the cost of India's money and India's blood, and if the Empire vanishes today India will not be a loser. It is India which has nourished and fattened Britishers. If the Britishers leave the shores of India today, India will lose only a band of exploiters and nothing else. Sir, this Government during all these years have done nothing for the good of India. (*Voice of "Question"*.) There can be no question about this. The first 60 years of British rule, which was Government by the East India Company, was pure loot and nothing else; the second 60 years was a period of consolidation and the last 60 years have been a period of broken pledges and promises. What else have Indians got from the British?

**An Honourable Member :** What about the next 60 years?

**Mr. Amarendra Nath Chattopadhyaya :** That will be the period of India's freedom because I believe in India's freedom. Sir, our relationship with England is the relationship of the eater and the edible. They feed upon us and no one can deny that. Only a few minutes later when there will be voting upon this we shall see these European friends of ours going to the Government lobby, perfectly knowing that this Bill is not worth the paper on which it is printed, knowing that this Bill is not one which should be brought forward when England is promising more power to Indians. This Bill shows the sordid mentality behind Government. They have been professing to give us more power and they have been telling us in season and out of season that they are going to give us Provincial Autonomy and also this Federation. The Government of India Act has been given and we have fought against it; we are going to fight the Federation also. But where is the genuineness of the promise when we find this Bill which is going to deprive us of the eternal right of persuading a man to do what is good and of dissuading him from doing what is wrong? Sir, why should any Indian join the British army? (*A voice : "The Indian army"*.) Where is the Indian army? Is there an Indian army here? It is British army of occupation in India. Wherever and whenever any Indian soldier has refused to kill his own kinsman he has been punished and sent to jail. What about the Garhwali prisoners? They refused to shoot their own kinsmen and we know the fate that overtook them. I have personal experience of the army in our villages in Midnapore, in Comilla and in other places in East Bengal. We know what they were doing there; and if that be the purpose of keeping up the army why should any Indian join it?

We hear a good deal of Indianisation of the army, but without Indianisation of Government there can be no Indianisation of anything

else. He is a false prophet who says that we can Indianise the army without Indianising the Government. Sir, they, the Britishers, want to fight their own battles at our cost, and why should we join them? Why should we help them? What is our experience of the past; of the Great War in 1914? Therefore, I say with all the emphasis at my command that this Bill does not deserve a day's argument, although we have argued it for four days. My Honourable friend, Mr. Satyamurti, wanted circulation for this Bill. When he says that it is bad and mischievous, I should like him to oppose this Bill here and now and throw it out. But he knows that today we are not getting our Muslim brethren to help us. Those Muslims who fought with us shoulder to shoulder and shed their blood with us in 1857 and co-mingled their blood with non-Moslem brethren at Jallianwala Bagh have now thought it wise to separate from the Congress which has been fighting for freedom of the country. It is a pity that we are not getting their support over this Bill. I appeal to Mr. Jinnah that after considering this Bill fully, knowing that this Bill is going to fetter us further, knowing that it is going to retard our freedom, knowing that it is cutting at the root of our civic rights he will side with us. As for my European friends, they may think me to be a bad companion, yet I am going to make an appeal to them also. Truth is not always palatable. I have spoken what is true, what I feel. They know that what I have told is historically true: they know what the British Government has done in British India for 150 years. (*An Honourable Member*: "80 years".) A few might have thrived under their care who would be ready to fight for them but what of the masses? What are the masses like today? The agriculturists have been ruined and industry has been killed. What have they got to show what the Europeans have done for us Indians. I believe as worshippers of freedom and as protectors of the Empire they will befriend us here and they will go with us into the lobby or at least exert their influence on those who have sponsored this Bill to withdraw this Bill. This Bill does not deserve the support of anybody in this House. With these words, I resume my seat and support the Honourable Mr. Satyamurti's motion.

**Mr. M. Asaf Ali** (Delhi: General): Mr. Deputy President, of all the debates to which I have had the privilege of listening, I think this debate has had the most chequered career during the last four days that it has been on. Speakers have gone into highways and by-ways and each one, according to his own desires and wishes, has sought different interpretations of the motion which was made by my Honourable friend, Mr. Satyamurti. Each one has set up his own case according to his own lights and has demolished it and then come down on the Congress Party with, "Now, this is what you have said and it is all wrong: you do not want an army for India to defend the country". But, who from among us has said that we do not want an army to defend the country? Whoever said that we wanted to interfere with the normal activities that have been going on in the country for years? Did we ask for the abolition of all the penal provisions which exist in the Indian Penal Code for dealing with people who may incite those who are actually serving in the army to rebellion or mutiny or something like that? Have we asked the Government to hold their hand in respect of offenders against the existing provisions of the law? No. So, in so far as the ques-

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tion of the Indian army is concerned, it is perfectly clear that not a word has been said by us which may interfere with the Government if they wish to maintain discipline in the army. So far as that point is concerned, let us put it right out of the discussion. It is extremely regrettable that speakers during the course of this debate have side-stepped the straight issue. The straight issue was whether the Government had made out any case for this particular Bill. If I remember aright, the Honourable the Defence Secretary based the whole of his claim for bringing up this Bill on a requisition from the Punjab Government. . . . .

**Mr. Sri Prakasa :** And undelivered speeches !

**Mr. M. Asaf Ali :** Please allow me to go on. If that is so, may I ask the Honourable the Defence Secretary to produce any further evidence from any other province or will he take up the challenge now and allow this Bill to be circulated to all the Governments and abide by the verdict of all the provinces ? Surely, the heavens will not fall if this Bill is delayed say by another two or three months. If the provinces and the rest of India say : " Yes, the provisions of this Bill are absolutely necessary for the safety of India ", we shall abide by their verdict, and we shall certainly help the Government during the special Session if they like, or during the Budget Session or later on whenever it may be possible. In so far as the opinion of the Punjab Government is concerned, all that is suggested is that there is a shortage of recruits in certain recruiting areas. Permit me, Sir, to remind the Honourable the Defence Secretary and his powerful ally the Home Member (who let him down very badly at the time the Defence Secretary was delivering his speech, for he might have been supplied with all the material with which the Home Member came out afterwards, and the Defence Secretary might have been allowed to make out a better case : but, unfortunately, the Defence Secretary was very badly let down by the Government and particularly by the Honourable the Home Member who must have been in possession of all the facts which he did not place at the disposal of the Defence Secretary ; and the poor Defence Secretary had to cut a very sorry figure)—I fully sympathised with Mr. Ogilvie at the time ; and when he sat down, I felt just as if a man was drowning and his friends who were near him would not come and help him. The Home Member came to his rescue afterwards but what did the Home Member have to say ? He certainly delivered a very dexterous and may I also add a very adroit speech, conciliatory in tone, and trying to be very good-humoured and all the rest of it : but what did he tell us ? He was most anxious to tilt at the Congress the whole time ; and in his anxiety to tilt at the Congress he forgot the fact that the mere recitation of the few cases which he had up his sleeve would not convince anybody. Let us look at recruiting ' conditions ' in England. What has been the state of affairs in England as far as recruiting is concerned ? There has been a tremendous shortage in every recruiting area in England for years together, with the result that for years together there has been a demand for new conditions of service ; which have now been brought about through the kindness of Mr. Hore Belisha. Very tempting offers have been made only just to attract recruits. If a similar phase in regard to shortage of recruiting in India has occurred, is it anything extraordinary ? For twenty years, ever since the cessation of the great war, all the war-stricken

countries have been indulging in pacifism of the worst possible type which is being condemned now. Through films, through books and through speeches and in every possible way, every war-stricken country has been saying : " No war " : in fact it was claimed that the great war was fought only to end war although they concluded a peace which ended all peace.

Well, Sir, in spite of that, the shortage of recruits has been going on. I think I had better refer to some authority on this subject rather than give my own opinion. I am now reading out the considered verdict of Captain Liddell-Hart whose book ' Europe in Arms ', I believe, is available to every one in the Assembly Library.

**Mr. S. Satyamurti** : Are you sure it is available to the Government ?

**Mr. M. Asaf Ali** : It is, in fact, I have got it from there. In this book, which is one of the ablest that have been written on the subject, I find the following. I shall read out of only two pages or less although there are ten pages on the subject. This is what Mr. Liddell-Hart writes :

" In addressing a Conference of the Press at the War Office recently, the Adjutant General to the Forces emphatically declared : ' I do not believe in an ostrich like policy '.—*Nor do we.*—' If a thing is a fact, why not say so ? '. This is a wise attitude in all human affairs, as history has shown so many times that mankind's failure to learn this lesson is the strongest evidence of its incapacity to profit by experience !.—*Then he goes on to say* : ' To pretend that troubles do not exist is the surest way to help them grow to the point where they are dangerous and may be incurable. It would hardly be possible to proclaim the need of recruits more insistently than has been done during the past year. The zeal shown by the recruiting authorities could hardly be surpassed. Yet the fact remains that these efforts have not merely failed to remove the shortage, but that the shortage is increasing in spite of them '.—*Later on he says this* : ' For too long there was a tendency to look for the cause of the trouble outside rather than inside the Service, and to cast the responsibility mainly on Pacifism. This had the effect of delaying the necessary inquiry into the real causes '.—*just the case we want to make out here.*—' and their rectification before either the shortage or the risk of war developed to their present proportions. It is somewhat ironical to reflect that a year or two ago ',—*please mark these words.*—' when pacifism was more prominent and the need less urgent, there was less difficulty in obtaining recruits than there is today '.—*This is about England.* " But it would not be true to say that the type of recruits even then was as good as the conditions of modern warfare require. And now the improvement in employment outside has naturally made the men who are required more reluctant to join the Army under the existing conditions of service."

Then he sums up and says :

" Significantly, the Government spokesmen have since admitted that pacifism has little or nothing to do with the problem," *please mark these words.*—" Significantly, the Government's spokesmen have since admitted that pacifism has little or nothing to do with the problem, and have already announced certain measures that are being taken to make the army more attractive."

Certain measures that are being taken are too attractive. And why ? The existing checks, according to Liddell-Hart, may be grouped under four heads,—*conditions of service, conditions in the service, conditions of foreign service and conditions after service.* Mr. Deputy President, this is how England's case is summed up. Now, have the Government analysed all the causes of shortage of recruits in the recruiting centres in the Punjab ? They put it down to just a few speeches,—they say that 100 or 150 meetings were held in certain centres and recruits were not forthcoming. In the first place, the Government have not placed before us the real facts

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and figures. We do not know what the average of recruitment was during the last 20 years, and we do not know by what ratio it has fallen now, or if it has fallen at all.

**An Honourable Member :** Has it fallen ?

**Mr. M. Asaf Ali :** I am proceeding on the assumption that the ratio has fallen, but Government have not told us to what causes it is due. Now, Sir, let us consider the reasons why the shortage has taken place. In so far as India and the question of recruiting is concerned, let us not forget, in the first place that there is a vast contrast between conditions of service for Britishers in India and conditions of service for Indians in India, and this vast difference has been very clearly impressed upon the people, not by the few speeches which it is alleged are being made,—they are ignorant speeches, most of them, as far as I have been able to judge— but these facts have been brought home to the would-be recruits by those demobilised soldiers who returned from Europe, and who carried the message from home to home and from cottage to cottage,—they have told their own kith and kin : ‘ You fools, you go and get slaughtered for other peoples’ cause, you are a mercenary lot, and what do you get ? Perhaps you would get Rs. 600 or Rs. 650 a year ’,—I do not think it is more than that,—my friend, Mr. Ogilvie, will correct me,—the cost of an average Indian soldier does not go beyond Rs. 600 or Rs. 650 a year,—‘ your British colleague who was fighting shoulder to shoulder with you is drawing Rs. 2,500 a year, in addition to all the allowances and comforts which are allowed to him ’. Are these conditions, are these vast differences not enough reasons for the potential recruits to say : ‘ I do not care a hang for your army, why should I get slaughtered for you ; what are you paying us ? Even as a mercenary army we are a very poorly paid army ’. This is one cause.

Then comes No. 2. After all, it is being realised more increasingly every day that the Indian army is not an Indian army as we would like it to be. It is not a national army. It is not an army which will fight according to the wishes and desires of this House. It is an army which will go and get slaughtered according to the wishes of some one who is six thousand miles away. The decisions are taken there, and all these people have to go and shed their blood all over the world,—and with what result ? Well, I shall talk about the result in a moment, but let me go on further. Another cause for the shortage of recruits is the spate of horrifying descriptions of the next war. On the one hand, your pacifism, not Indian pacifism which pales into insignificance before the other pacifism,—I am now talking of the pacifism which is now rampant throughout the world,—and on the other the terrifying pacifism. Each nation is now trying to terrify every other nation and tells it : ‘ Well, if war breaks out, civilization will be wiped out, incendiary bombs will be thrown which will be capable of generating heat to five thousand degree centigrade and tons of steel will flow like lava which no fire engines will ever be able to extinguish ’. Well, Sir, this is only one trifling example of pacifism. Again they say : ‘ all civilian population will be bombed ; London will probably disappear in three hours’ time ’. All these descriptions are coming to India from day to day. And why should Indians risk their lives, and for what reason ? After all, the more you talk about war the less recruitment there is in any

country, unless it happens to be a country where people feel that if they fight at all, they will fight for their country, for their freedom, for their people, for their men, women and children and for the honour of their country. Where people feel like that, there may be recruits forthcoming, but even in a country which is supposed to be highly patriotic, namely, England, recruits were not forthcoming and I doubt very seriously whether even with these improved conditions of service many recruits would be forthcoming even in England, because, Sir, you will remember that only about two years ago or perhaps less—Mr. Jinnah will kindly bear me out, he was in England at the time,—there was a debate in the Oxford Union, and I believe it was followed by another debate in the Cambridge Union. The essence of the proposition was, “ We shall not fight for the King and the country ”. It was carried ; in both the Unions it was carried. Which law did they apply to them ? Did they even think of bringing up any law before the Parliament ? Will they bring up any law even now before the Parliament ? I challenge them to do it. They cannot ; for the simple reason that they have one standard of freedom and liberty for their country and another standard for another country. Sir, again, there are communists in England, there are pacifists in England, there are Norman Angells in England and there are many more whom I can name. Will they shut them up ? Did they shut up Lord Morley or Mr. John Burns ? Once again I appeal to Mr. Jinnah who was in England on the occasion when these two gentlemen walked out of the Cabinet when the last Great War broke out, because they would not sign the death warrant of Englishmen and other human beings. How will you treat similar gentlemen if they happen to be in England today ? Will you shut up Morleys and John Burns ? Will you shut up Norman Angells ? Will you shut up your pacifists, will you shut up your communists ? If you cannot do it in your own country, why do you want to imitate the worst fascist countries whom you want to fight just to preserve democracy, freedom of speech, liberty of conscience. If you ever go to war—you say it will be a just war, —just war for what purpose ? Just war only to preserve democracies, and you want India to fight on the side of democracy. Against whom ? Against fascists. And they are resorting to these very laws which you want to enact here in India ! With what face can you bring it up ? Government was most unwise in bringing up this piece of legislation here today. The whole world is watching us : particularly, the Germans, the Japanese and the Italians are watching us ; they are just waiting for a sign. Was this an opportune moment for you to bring it up ? You knew the feelings of the country. You had every chance to know that this was not going to be a noncontentious measure, that this was going to be the most contentious measure that this Assembly has ever seen. And yet you had, I say, the unwisdom, the indiscretion to bring it up. All right, reap the result. It is your sin, not our sin. We do not say for a moment that we do not want an army. We do not for a moment say that we do not want recruits to come and join the army. In fact, we have not said a word about it. We do want to have the most efficient army that anybody can ever think of for India and for India's defence. But that army must be our army and not an army which is working like automata at the sweet will of somebody over whom neither you—neither you nor we have got any control. If ever war breaks out, it will be declared not by the Government of India but it will be declared by His Majesty's Government. Who will come to His Majesty's Government's help ? The Dominions ? Yes, the

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Dominions are today complete masters of their own foreign policy and also of their defence. Can you deny it ? If they are complete masters of their foreign policy and of their defence, why could not we be the same, and if we are, we shall decide the case on its own merits when the occasion arises.

Sir, I should just like to remind the Government of another point and then I had better leave the question to my Leader who will deal with the rest of the points at issue. What is our experience of the last great campaign of recruitment in India at the time of the Great War ? Sir, we contributed 14 lakhs and more of human beings, living human beings, to the last Great War. One and a half millions of people were sent over from India, of whom one lakh and six thousand were casualties, 36,000 were wiped out, and then there was a huge contribution in animals and in money. The war budgets of 1914—1915—1916—1917—1918 went up to 70 crores and 80 crores a year. Right down to 1922-23 the budget was something in the neighbourhood of 67 crores. And the normal budget before the War broke out was of the order of 28 crores. It means that for eight years we went on contributing to this war something like 40 to 50 crores each year which means that we contributed to this war in money something like 400 to 500 crores. In addition to it, we also gave, I think, *150 million pounds sterling*. That was only just by way of a gift. That means 650 crores actually given away, and up to this day we are mulcted in damages as it were, because we are still paying the non-effective charges which we had to incur on account of that heavy recruitment of combatants. Every recruit that now enlists for war will have to be paid for by us, not by you. Can you realise it, and what did we get in return ? We got in return an irresponsible and unresponsive executive sitting opposite us, and we have also got kicks throughout the Empire. Is there a single Dominion where Indians are treated as equal citizens of the Empire. They talk of the Empire. Which Empire do they want us to fight for ? The Empire in which we are treated as helots ? Is there a single Dominion where Indians have any rights of citizenship, leave alone the Dominions,—have we got full rights in our own country ? If we have none, they have no right to ask us, they have no right to ask any Indian not to preach according to his conscience either to rebel or to mutiny or to do anything else ; he would be fully justified if he did it.

Sir, there is just one other point which I should like to present to this Government, and it is this. In spite of the difference of opinion expressed on the floor of this House,—apparent difference of opinion expressed on the floor of this House, I find a large measure of unanimity, extraordinary unanimity among all sections of the elected Members of the House. And here I want to address my Honourable friends who are sitting just next to my Group. There is not one of them who does not say that Indian troops shall not go out of India without the consent of the Central Legislature. Has the Government said a word about it so far ? No. They are agreed that Indian armies should not participate in any imperialistic war. Has the Government said anything about it ? No. They are all agreed that **conditions of service, Indianisation, etc., etc.,** must be according to our wishes. Has the Government anything to say about that ? No. There is unanimity on these points. In so far as the question of the imperialistic



war is concerned, may I just say one word ? What exactly do we mean by an Imperialistic war ? By an Imperialistic war, we mean a war which may result in more or less the same kind of morass in which we find ourselves today, that is to say, our freedom or want of freedom left where it is or perhaps curtailed a little more, because the so-called Empire may emerge victorious out of this great war and become stronger and may be able to turn to the Indians and say : ' What do you want ? Have you not got enough already. What you have got is more than enough. We are not prepared to give you anything more. You are not fit for it '. That would be an Imperialistic war from my point of view. But whatever the nature of that Imperialistic war, I am perfectly certain, whichever war may break out in which Great Britain may become engaged in the future, it will naturally be between the allies of Great Britain and the Totalitarian Governments. As far as I know they are only three. They are four but I leave out Russia, because it is on the side of the so-called democracy of Great Britain. Leaving out Russia, we have got Germany, Italy and Japan. The day war breaks out the first rush will be all along what we may call the Mediterranean Lake and round about this **Mediterranean Lake**, Italy will be attacking all the possessions now under the tutelage of Great Britain, Cyprus for instance and Palestine and also French possessions will be attacked, that is to say, the whole of the French possessions in the North of Africa, Syria and all those places. Those are the **places in which the war will wage the loudest to begin with**, because that is just the place where the enemy would like to cut off communications, the communications and routes through which you may be able to get all that you want for your purposes and your objective would then be India because India is full of men and war materials. India could give you men, foodstuffs and raw materials needed for the carrying on of war and your enemies will then be fighting somewhere near about the Mediterranean. I am pretty certain that Palestine will be involved and when it is involved, please also remember that it is just possible that the neutral countries **such as Turkey, Iran and Afghanistan** which have now made up their minds not to enter into any war are bound to be dragged in on one side or the other and it is that kind of war for which you want us to will away the freedom of everybody. If this Bill had not carried any Statement of Objects and Reasons it might have been looked at from **another point of view**. It might not have been a Bill which was intended to create a new crime, a new offence as the Honourable the Law Member said. He said : " we are creating a new crime, a new offence." My Leader will deal with that point later and there I leave it. My point is that if the Defence Secretary had said nothing in the Statement of Objects and Reasons, possibly even we would have said that this was a normal activity of the Government, let the Government get this measure in some modified form. There would be no harm in it. We do not want the discipline of the army to be undermined but he says that this Bill is designed for a specific purpose. It is not for normal activities. The object of the speakers, according to him, is clearly not the spread of pacifism but to persuade would-be recruits from taking part in **any war in which the British Empire may become engaged**. We did not ask for this. It is you who tell us that this Bill is designed only to help you to find recruits for the great war, not for normal activities. That is the point and the issue that has been missed by many speakers. It is only intended for an Imperialistic war obviously, and, therefore, we are definitely opposed to it. We oppose it on three grounds. No. 1 is that you

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have not made out a case for the shortage of recruiting. There are other causes of shortage of recruiting which have not been sufficiently gone into. These causes will have to be fully investigated by various provinces which have got to deal with it. Let those provinces say : ' We find that the causes of the shortage of recruiting are the speeches, *plus* so and so '. Then we can make up our mind one way or the other. Secondly, we oppose this Bill on the ground that it bangs the door on civil liberty. Maulana Shaukat Ali and the late lamented Maulana Muhammad Ali were the gentlemen who at the Karachi Khilafat Conference in 1922 definitely laid down the law for Indian Mussalmans.

**Maulana Shaukat Ali** : I shall lay it down again.

**Mr. M. Asaf Ali** : I may accept it, but I accept the old law first. They laid down the law that every Mussalman must be free to preach whatever he liked to the troops if any Muslim country was involved in a war against Great Britain. I hope they stick to it now. I claim the same liberty for every one, not merely the Mussalmans, and, I hope, that people will exercise that liberty and that freedom which such discretion as is necessary for responsible men. Lastly, we are opposed to this Bill on the solid ground that we have no lot or share in this army in India. Not even a penny of the whole money that is spent on the so-called defence of India is submitted to the vote of this House. Even the paltry six lakhs which used to be submitted to the vote of the House was withdrawn during the last Budget Session and not only that. Fresh burdens have been imposed on us from outside and we cannot say ' No ', not even the Government of India. In these circumstances, how can anybody come here and say : ' Will you kindly sign your death warrant '? We refuse to sign our death warrant and the death warrant of humanity, and we oppose the Bill on these three grounds that I have placed before the House.

**Mr. M. S. Aney** : Sir, the motion before the House moved by my Honourable friend, Mr. Ogilvie, the Defence Secretary, has been debated for the last four days, and I believe that this debate will be remarkable for the extreme frankness with which views with regard to the impending war and the part India should play in it have been placed before the House. The motion moved by my Honourable friend, Mr. Satyamurti, and other friends is to the effect that the present Bill should be circulated for public opinion thereon by such and such a date, but the question of the date does not matter. These are the two main motions before the House. You know that the Bill was introduced in this House on the 8th August and in the ordinary course of things we would have expected that the Government, having introduced a Bill like that, would not come immediately afterwards in the next sitting with a motion for its consideration. If there are any strong reasons for rushing a measure like that through this House in haste, one could have understood that thing and I particularly listened to the speech of the Honourable the Defence Secretary as well as to the speech made by the Honourable the Home Member to find out whether there were any very good reasons to justify—if I may be permitted to use the expression—"the indecent haste" with which they want to rush this measure through this House. I am afraid I have not been able to find any reason that

would satisfy any reasonable man so far as this point is concerned, and I believe, even if we ignore all the discussion on the merits of this Bill and confine our attention to finding out whether there were proper reasons adduced by the Defence Secretary for rushing this measure through this House so hastily, and if the House finds that no such satisfactory reasons have been given, then the only conclusion that any reasonable Member of the House can come to, apart from the question of merits, is that he must vote for the circulation of the motion and he cannot vote for anything else. This is the way in which I want every Member to look at this measure.

Now, I tried to understand for myself if there could be any reason at all. The only ground that was given was that some boys had been delivering lectures in the Punjab and preaching that the people should not join the war or should not help recruitment, and that some recommendation had been made to that effect by the Punjab Government also. The question is whether such a kind of agitation constitutes such an emergency that a measure of this kind, which involves issues that are very vital and very important to this country, should be rushed through. The only possible excuse one could imagine was that such a thing is making a very serious effect upon the normal working of recruitment. My Honourable friend, Mr. Gadgil, has cited certain figures that have not been challenged and I do not think Honourable Members opposite are in a position to challenge them. That clearly indicates that so far as the work of recruitment is concerned, there is no perceptible change at all. Where is the need for you to rush through this Bill and to be so hasty in passing this measure and where is the need for you not to give any opportunity to the country for an expression of opinion thereon? The second thing would be that the Government thinks that there is a very serious danger impending of which they do not want to give any notice but about which they feel something in their own hearts. If that is so, Government should have made a clear statement to that effect and then we could have seen whether there is any proper justification for helping you or not. They have given a faint inkling in the Statement of Objects and Reasons about some war that is likely to come and the recruitment necessary to enable this country to take its part in that war if it comes. The question is whether there is any time for the Government to wait for calling public opinion on this question. Is that danger of the war so imminent that it is going to be declared tomorrow? If that is so, it is necessary for the Government to place all the facts before this House and then call for its verdict. I think no such facts have been placed before this House at all. Now the third justification might be that the measure was really a non-contentious one. I believe if the Government have really studied the situation and have followed all that is being done in political circles during the last few years, they could have easily seen that a measure like this cannot be non-contentious in this country; for example, I say they could have seen that this is evidently in conflict with what is known as the pacifist policy. The second thing is, they could have seen that this is in conflict with the declared policy of the Congress as expressed in the resolutions passed at one of its sessions, namely the Faizpur session. They could also have seen that it is in conflict with the very policy that the Government have been trying to follow for the last

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eighteen months and so on. Government made a reference to the last eighteen months and I may also make a reference to the conduct of the Government during the last eighteen months. There has come into existence a cult among the people which has got a tremendous abhorrence of blood-shed—abhorrence of one man killing another, of the spilling of human blood—and they are carrying on this anti-war propaganda all over the world. Now that cult has got its followers in this country also.

Government could easily have seen when framing this Bill that it is bound to come in conflict with the policy of the pacifist people. Now, is it not necessary for the Government to give a fair opportunity to people to say whether they want pacifists to be dealt with in a merciless manner or in the unreasonable way that this present Bill proposes to do? Sir, a reasonable chance ought to be given for public opinion to express itself. But they do not want to give that; they are content with the opinion expressed by one particular Government. I say the Government ought to know that the work of recruitment can be done only with the co-operation of the people and it is not a matter to be done by coercion. I shall refer to that point later on also but they must know that they are bringing forward this Bill at a time when the country is divided into certain autonomous provinces enjoying certain rights of liberty and in certain provinces, at least some seven provinces, they are being governed by Congress ministries which are bound by Congress resolution and Congress policies.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Now, your scheme requires the assistance of all the Provincial Governments to co-operate with you, so as to enable them to fight a great war that is likely to come, and if so, Government ought to be circumspect before bringing in any measure before this House and they ought to see whether they are not likely to come in conflict with the declared policy of the Congress which will be binding upon some of the provinces in this country—and they are not insignificant provinces but very important provinces. Eight provinces are not a matter of joke. That being the case, it was necessary for the Government not to rely upon the opinion expressed by one particular Government but to give a reasonable chance or opportunity for other Governments also to express their opinion on that. Sir, I am sure today the position is this. There is a resolution passed by the Congress that it has called upon the country not to take part in any war and not to co-operate with the Government in any way for the promotion of imperialistic designs. That is the policy of seven provinces today. It was, therefore, necessary for Government to have consulted the leaders of the Congress before framing their Bill. After all, this is not a Bill which will enable Government to do whatever they like if they do not get the necessary co-operation of the people. If the experience of the Government as regards the recruitment in the great German War which they fought is fresh in their minds, then they will remember that there came a time when they had to convene a big Conference in Delhi at which I am glad to say my Honourable friend, Mr. Jinnah, was present and I am equally happy to find him present in this House today. Why was that Con-

ference called for ? Is not that experience sufficient for the Government to know that in times of difficulty and in times of emergency, a mere emergency legislation arming them with all the powers will not do, but that a time comes when there should be co-operation with the people in order to enable them to carry on the war and in order to get the necessary help in money and men. Without that help, no great war can be fought. Of course, the British Government can fight with the help of the English people if the Indian opinion is not going to stand by them. What effort has Government made to get that kind of sanction behind them before they came to this House ? I, therefore, think that it was a great mistake of policy on the part of the Government to have come before this House with a contentious measure like this which was bound to come into conflict with the Congressmen, not only those who are present here in this House—a handful men of 42,—but the entire body of the Congress organisation which, as a matter of fact, is dominating the politics in the majority of the provinces. As a matter of policy, Government ought to have consulted them. On the other hand, they have shown that in matters of the country's defence they do not care for the Congress opinion at all. They seem to think that they can afford to carry on despite what the Congressmen have to say and despite what they have to urge. That is a mistake of policy. It is wrong tactics and these tactics are bound to pay them adversely ultimately. That is what I feel.

There is another thing also which I want the Government to carefully consider. What has been the policy of the Government in relation to the Congress during the last 18 months ? I have mentioned that fact before also. The policy of the Government during the last 18 months has been to avoid as far as possible all clash and conflict with the Congress in authority. That has been the right policy of the Government. The policy of the Government of India or the Governor who represents His Majesty's Government, in three most important illustrations, so far as I have been able to see, has come in conflict with the Provincial Governments. The Congress Ministers had to tender their resignation and the matter was kept in suspense : it was not decided immediately and something was done to it. They consulted the Government of India, and the Governments of Bihar and the United Provinces were allowed to carry on the Government as before in spite of a little trouble that took place in the intervening period. Then, may I remind of the Dain example ? The Governor was advised to cancel his leave. What was the object of that ? The object was to see that the Congress Government and the Government of India do not come in clash and the administration of the country may go on smoothly. That has been your policy. I take the third instance, a very recent instance, not with a view to criticise anybody but merely as an illustration. The other day a very serious catastrophe occurred in the Central Provinces and the Congress Working Committee passed a certain Resolution which made some kind of aspersions even upon the Governor. In spite of that, I find that the Government of India and His Excellency the Governor himself and probably His Majesty's Government have thought it fit to accept the recommendations of the Congress Working Committee on the point. They have accepted the Leader and have called upon him to form a Ministry without saying anything by

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way of a reply to the charge which was made against the Government. I say that Government had acted wisely in all these matters because they had been following a policy of remaining in conciliation with the Congress during these 18 months. Now, that being the case, when a measure like this is brought, which demands this House to give its consent to enable the Government to coerce the people and yet give recruits, which is in contravention to the declared policy of the Congress, in regard to a war of an Imperial nature, the Government is really coming into conflict with the Congress and which is, in my opinion, against the policy which they have been following for the last 18 months. So, my charge against the Government is three-fold. They are coming in conflict with the policy of the pacifists. They are coming in conflict with the policy of the Congress and, lastly, they are coming in conflict with their own policy which they have been following for the last 18 months. How can such a measure remain non-contentious? I fail to see that a measure of that kind can be called non-contentious and, therefore, it is necessary that the Government should take a broad and long view of the whole affair and see whether a measure like that can be rushed through and this House may be called upon to decide on the strength of a snatch vote here and there to carry it immediately. It may be a temporary success: it may be a triumph with which you may feel satisfied for the time being. But remember the repercussions of the thing upon the nation as a whole and the consequences which you will have to face thereafter. It is not a small and insignificant measure of creating a little new offence which was not known to the people or not provided for already. It is not so. The thing has at its bottom questions of policy which are likely to create a very serious state of things, and the Government of India, knowing its full responsibility, must see that the thing is not done in indecent haste and also that a real opportunity is given to the public to express its opinion by the date which Mr. Satyamurti has suggested. So far as the motion for circulation is concerned, it has not been opposed on any reasonable grounds by my Honourable friend, the Defence Secretary. As against that, I have put forward before the House so many considerations which not only the Members on the other side of the House should take into consideration but also the Members on this side of the House, i.e., on my right, should take into consideration. If they have properly grasped the line of argument which I have pursued and seen the consequences which are likely to come hereafter, I am quite sure they will see that the matter does not deserve to be rushed through and disposed of summarily in the manner in which my friend, Mr. Ogilvie, desires to do. That is one argument in support of the motion for circulation. Then, Sir, I go to the merits of the Bill and that is my second point.

My friend, Mr. Ogilvie, has stated that this Bill will be supported by everybody who has the feeling of loyalty in him.

4 P.M.

Well, I believe that of all men in this world, the Englishman is the worst sinner in the matter of loyalty. The recent events that took place and which are within the memory of everyone of us present here would show that it does not lie in his mouth

to talk of loyalty and to preach loyalty. What is your loyalty after all? You were loyal not to your King, you were loyal not to your Crown, but you were loyal to the Government which you have elected and to the Premier. The other day the Premier confronted the Crown with one alternative to choose: 'You can have a life without love, or you should abdicate the throne'. That ultimatum was placed before the King when he was going to do something unpleasant to the Cabinet or unpleasant to the people of England. Where was the loyalty of all the servants of the Crown gone at that time? Why did they not muster strong and tell Mr. Baldwin: "You are committing a crime". On the other hand you find that the King was sent out of England most unceremoniously over night, unknown to anybody, in an aeroplane and the next day they changed their loyalty to another King just like they change their clothes and they took their oath of allegiance to another man whom the Cabinet was pleased to enthrone. That is the sentiment of loyalty of the English people! It does not lie in the mouth of Englishmen to talk of loyalty to Indians. As I understand loyalty, it is this. I understand loyalty to mean a response which the State demands from a citizen who has a voice in the administration of the State and who is effectively represented in the governance of the State. If there is no such privilege or right for the citizen, then that State has no right to demand any loyalty from the citizen. A State that denies to the citizen any effective voice in its administration through his representative and wants to claim all the important powers to be concentrated in its own hands and which says: "we shall do everything in our own way in spite of you", I say that State has no right to make a demand on the loyalty of the citizen to the Crown. Loyalty is intended to be to the King who represents the country and not to the power which represents some other State elsewhere. That is our position. Then you say: "these are reserve powers, these are subjects over which the people shall have no control whatsoever and we shall have all these powers in our hands for an indefinite period". I submit, Sir, this Government represents a foreign country. Loyalty has always been identified with sentiments which stand for the love of the country and for him who represents the country. Here, in this definition, Government do not come in anywhere. Therefore, I should tell Government, "Talk of any other argument which you may have got, but do not talk of loyalty. It is nauseating. We cannot stand it".

Then, Sir, in my opinion, there is a very important principle involved in this Bill. I would not have taken so much of the time of the House and would not have delayed my Honourable friends, Mr. Jinnah and Mr. Bhulabhai J. Desai, speaking before the House, but for the fact that I feel there is yet a more important point involved in this measure. Now, Sir, what is our position today in the constitution? All of us who have studied the present Government of India Act and who have followed the debates in the British Parliament when this Act was being forged or hammered there know full well that the British Government was even unwilling to mention the words 'Dominion Status' in the Act. They did not contemplate India getting Dominion Status either now or in the distant future or at any time

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at all. They were unwilling to make any statement to that effect. All that they agreed to do was to reproduce, under some section of the Government of India Act, the preamble to the old Act which does not make any reference to Dominion Status at all. Even in the Instrument of Instructions they say : ' India shall have a due place in the Dominions of the Empire '. Now, Sir, how has that expression ' due place ' been explained by the Attorney General when the question was discussed in the House of Commons. " Due place in the Dominions " is not the same thing as Dominion Status. It has been so stated in so many words, whatever the definition is. Instead of saying anything from my own memory, I will read out a short passage which I have verified from the Library from the debates on the Government of India Act in the House of Commons. I am reading from Mr. Aiyangar's Book on the Government of India Act, 1935 :

" The question then arises whether this constitution holds any promise of India attaining to Dominion status. In this connection the disinclination of the Statutory Commission and the Joint Parliamentary Committee to the use of that expression, is not without significance. The intention of Parliament as set forth in the preamble to the Act of 1919 which has been reiterated by force of the saving in section 321 is the realisation of Responsible Government in India as an integral part of the Empire, or as set out in the Instrument of Instructions to the Governor General that ' the partnership between India and the United Kingdom within our Empire may be furthered to the end that India may attain its due place among our Dominions '. The Attorney General explained the expression ' due place ' thus : The due place of India among His Majesty's Dominions must be, in the very nature of the country,"—

I do not know what the nature of the country has got to do with it,—

" something not quite the same as the place, shall I say of New Zealand or of South Africa or of the other Dominions."

It shall not be the place which these Dominions occupy. That point has been made sufficiently clear. What is the distinction between India and other Dominions like New Zealand, South Africa, etc., I am not able to understand. Where then lies the dueness of the thing. It is said that India is a far different proposition altogether. Verily it is. Then why don't you leave us alone ?

" I have no doubt that if this Parliament represents the wishes and intention of the British people, India will attain her due place amongst His Majesty's Dominions ; but that is not to say that the problems with which she will have to deal, in the nature of external affairs or problems of defence, will be problems that will be settled in precisely the same way as those in which similar problems, if they arise at all, are settled in connection with His Majesty's other Dominions."

Our position hereafter shall be by dint of our own strength. Whatever other problems there may be, these are the powers with regard to External Affairs and problems of defence which will be different from the powers enjoyed by other Dominions with which India shall have to be satisfied. That is the position of India. In view of the various Resolutions passed at the Imperial Conference and in view of the declarations of policy made by Colonial Statesmen as well as by British Statesmen and also by virtue of the Westminster Statute, everybody knows the position of the Dominions with regard to wars in which Great Britain might be engaged. The Dominions claim the right to be consulted before war is declared by England on any other power.



In the matter of war as well as peace, all the Dominions claim to be consulted. That is the stand which the Dominions have taken. We are told, on the floor of the House, that not only has India not got the right at present to have any say in the matter of declaration of war or peace by England, but they do not even contemplate the conferring of any such rights upon India in any distant future. I submit we need not despair of that declaration. I only want my Honourable friends to my right to remember that England does not contemplate to confer any such right at all so that the position today is that India shall not be consulted in the declaration of any war for imperialist purposes. If I am not going to be consulted at all in the declaration of any war for imperial purposes, then what moral right has this Government got to say that I shall give my consent to any aggressive measures that the Government might take in furtherance of that imperial war. There is no moral ground left at all for the Government to demand our consent. Therefore, the position as I see it is this : by asking us to pass this law, the Government want to forestall the future position and to take the consent of this House beforehand, in an indirect way, to whatever wars might be declared by England hereafter. The result of making a provision for enlistment of recruits without any demur from India is this : If England declares any war without our consent, this measure will enable them to take it for granted our readiness to participate in that war. That is the constitutional position, which underlies this Bill. That is the point which I want every Honourable Member to remember. (Interruption.) Even Federation will not have any right to declare war or not declare a war. My point is this. It is not merely taking a little power to remedy a little evil from which the Government are suffering at present. In an indirect way, they want to dupe us into consenting to any war which they will declare without ourselves being consulted. Are you prepared to barter away this liberty or to sacrifice this precious right of yours ? No. So long as the Government choose to declare war or peace without my consent, I do not want to be a party to strengthen their hands to carry on anything like that. If you want to do that come here with a proposal before me or my leaders who can speak for the whole of India or the leaders of the Muslim League or the leaders of the Indian National Congress, approach them with proposals that in view of the coming war you want to reconsider the whole question of the constitution and see if something can be done to satisfy the people of India. Do something like this, but if you remain adamant, we too shall be justified in remaining adamant. Sir, I refuse to give my consent to a Bill of this kind and I advise my friends on this side, leaving aside all other considerations, to rivet their attention on the considerations I have made out and see if there is not a sufficiently strong case not to give their assent to the motion for consideration of this measure but to support the motion of my Honourable friend, Mr. Satyamurti, or any other motion for circulation. Sir, with these words, I declare my opposition to the motion of the Defence Secretary.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, quite unwittingly perhaps, though I am giving more credit to the Government than they normally deserve by the manner in which they have framed their objects and reasons in this Bill,

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they have raised issues on which this House is entitled to express its opinion ; and they cannot now merely shelter themselves behind no reason given by the Mover of this motion and some supposed reason given by the Honourable the Home Member. It has also raised issues on which I think it is fair that this House should express its opinion by means of its vote on the attitude that the Indian people will take up in the war in which the Empire expects or is afraid to be engaged. For the call as regards this Bill has come from them on the ground that while not wanting to put down pacifism they want to make it penal to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged. And, therefore, I will first shortly state the grounds on which we oppose the consideration of this Bill, and take up each of them to the extent to which they have not been dealt with already.

First and foremost, Sir, we oppose this Bill on the ground of what was scoffed at, the principle of the right of civil liberty which, so far as we are concerned, we hold and the Briton pays lip worship to, that right of civil liberty for which they say Britain today, as against the rest of the world, has this distinguishing feature. Inasmuch as my presence in Europe a few weeks ago was mentioned by Maulana Zafar Ali, I should like to state to the House something that occurred which is of greater consequence and is extremely material to the issue now before the House. A section of the press of England presided over by Sir Walter Layton entertained me for the purpose of understanding from me our attitude as regards the Government of India Act, but incidentally, also, our attitude in regard to matters of defence and the army. One thing that the Chairman said was that he expected that even if, as he anticipated it might soon be, India attained independence (in what measure or method or manner is another matter), there is one thing that they expected of India and that was that so far as the maintenance of democracy is concerned they will always place the resources of their great country because Britain was always prepared to fight for democratic principles and for personal civil liberty. If there were no hypocrisy in this, as I say there was not, it is somewhat of an irony that their instruments in India should come before this House and ask us to sacrifice what little of personal liberty is left in this country. And, notwithstanding the Khan Bahadur who wanted to shed light, possessing none himself, and said that he did not care for principles,—he only wanted to laugh at them,—and that he was a realist, I call all gentlemen of this type and method of thought not realists but opportunists. And, therefore, so far as we are concerned no gibe either by him, cheap as it was, and no ridicule or amusement attempted by the Honourable Mr. Maxwell will in the least degree deter us from asserting our right first and foremost on the ground of principle.

This Bill aims at what was frankly and rightly admitted by the Honourable the Law Member as creating a crime of an act which has never been regarded as a crime even in India hitherto. Wars have been fought before including the last great war, and the Government of those days was not so unwise nor so tactless as to introduce a measure of this kind for the purpose of getting recruitment in India. It seems to me

somewhat unfortunate, as one of the newspapers remarked a short while ago, that some senile military leader in this country and some senile civilian still exist who believe that by a generous dose of repression they will get loyalty from this land. It is that type of man alone who could have conceived the unwise course of getting the opinion of India before the rest of the world as to the way in which they feel as members of what is called the British Imperial system ; but I am glad that they would have a good dose of it by the time this Bill is finished. I am glad only for this reason that but for their tactlessness there were other methods of enlisting the sympathy and assistance of India if ever a war was of such a nature that the Indians had approved of it. Therefore, first and foremost we stand on the firm ground that an act which otherwise had been regarded as innocent and has no parallel as being penal in any other country is being made penal here and we will not assent to that. And what was it that the Honourable the Law Member said ? He said : " Oh, yes, it is new but we can always create new offences ". I daresay he can. If those behind him ask him to draft a Bill that the existence of every one of us here was penal, I hope he would not get up and say, " We have power to declare anything penal and, therefore, we shall use the power for that purpose ". It is an extraordinary and novel argument. I expected him to say, " We cannot support it in principle but the circumstances of the emergency as conceived by those for whom I am now rendering a valuable service require me to act as their mouthpiece for this purpose ". That is a thing which I can understand and appreciate but I cannot possibly allow him to lend the weight of his dignity of age and learning to a cause which he cannot possibly believe in. And let us examine what it is that is sought to be made penal, because of all points it is always the point of principle on which we shall stand. A man is free to enlist himself or not ; another man is equally free to give him whatever advice he likes. And yet solemnly this Government comes here and wants to make it penal. Shall we make it penal that they should corrupt a man by asking him to fight for another man's liberty ?

I think it would have been an infinitely better measure if the Government of India were by a law prevented from recruiting any Indian for the purpose of fighting for a British cause and keeping India subject all the time. After all, what is it that you want to do ? The law of the land—sections 503 and 349 of the Indian Penal Code—lays down clearly that you may not by criminal intimidation prevent a man from doing what he wants to do or making him do what he does not want to do. Section 349 lays down that you may not use force for a similar purpose. Therefore so far as the present law is concerned, threat, coercion, intimidation and force are all ruled out. It comes then to this, that the law which you want is that though there is no intimidation or coercion or force, you are at liberty to corrupt an Indian by offering him a paltry 20 or 25 rupees in order that he may die for your liberty or your cause. We want at least this modicum of liberty that we should be able to tell him that he should not do so even by persuasion. It is one of those laws which, if ever it is put on the Statute-book, will be one of the blackest—never mind what amendments may be carried. It is for that reason and that reason alone—that man may not persuade his fellow-man to exercise his right to do or not to do what it is in him right to do—

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that you want to make penal that right—I think any man who assists in this ought to be ashamed of himself. We have known what it is you are making penal. Have you ever thought about it? After all I am not using any force or intimidation. If I do the law is there ready for it: but that I cannot go to an Indian and tell him: “Look here, this is the view that I present to you: it is not to your interest to lay down your life for a mess of pottage”—yet you come here and tell us: “Why do you not give your assent?” I am free to admit that I am one of those who, during the last election in the Punjab, made a speech something like this—“which nothing and no law will prevent me from making: Sikhs, Muslims, Jats, many of them demobilised soldiers, used to be present at our election meetings; and I have told them something of the history which I learned: one of the causes of the French Revolution that they taught us at your English schools and colleges was the returned Frenchmen who took part in the American War of Independence: the reason being that they began to realise what it is to fight for independence; and I did address them thus: “I say, my friends, you fought for England’s freedom risked your lives for 25 rupees a month and perhaps a little food. Have you ever given thought to the question that the freedom of your own land is certainly worth a little more than 25 rupees a month?”

I assure my friends on that side that whatever law they may make, they will not get my assent to the right that they wish to enjoy, notwithstanding the supposed selfish motives with which this House was regaled by a little amusement—we want to maintain this: it is not a question of whether you are going to have an Indian army or non-Indian army; and if that is the manner in which this issue is regarded, it is a great compliment: my friends did not think when they were saying: “Oh, but for this law there would be no Indian army”, what a compliment you pay to our public spirit and to our power and influence with our own people! Have you realised that? For what else could you mean when you say that if I were free to dissuade my men not to join the army, according to your logic they would not join. The result, therefore, is the rarest compliment ever paid to the people whom we represent—the India of today. Yes. If we can assist to make an Indian Army, not by force, not by threat, not by intimidation, but by an act of persuasion, not to join an army which is neither broadly Indian nor used for protecting India’s freedom, I think we would have achieved the greatest goal of our lives. Therefore, what you thought was a fright is a folly; and though you may scare this House by telling them that if this Bill were not passed there would be no Indian army—they can think that if this Bill were not passed there should be no Indian army—but that is the way in which we regard the matter—as one of principle: and we regard the matter of principle very rightly too.

There is another point of view. Why is it, I asked myself in examining this Bill, that this Bill has been brought forward? Is it that, if this Bill is passed even by a small majority of this House, to enable you to tell the world that India is behind you in the next imperialist war? Is this the purpose with which you have brought forward this Bill or I would really like to know whether you are afraid of the persuasive power of the Indian patriot or whether you want to create

a false impression in the rest of the world ? On both of these I am here to tell you you are wrong. If we have the persuasive power, notwithstanding your Bill and my friend, the gallant gentleman, in his anxiety, talked about death as a penalty—let me make a present of that idea to him and I hope the Honourable Mr. Ogilvie will move an amendment to that effect—it will give us really the chance of a lifetime to be able to tell our fellowmen that we are prepared even for the punishment of death. Therefore, take it from us that the point is a narrow one. You acknowledge and you are afraid of the power of persuasion which we have acquired, and it is for that reason that you say “dissuasion is a crime”. To you it may be a crime—to us it is an honour. Undoubtedly it used to be a crime even to ask for the freedom of this country. Fortunately during the last quarter of a century it has ceased to be a crime—not because you would not like it to be a crime but because you dare not protest or put it to the test ; and it is for that reason that first and foremost I shall not assent even if I were the only Member of this House to a Bill which is making penal of that which is an honest and a patriotic act. Let not my friends remain under any delusion that in the absence of this Act there is going to be no Indian army and, therefore, we must support it. It is a delusion under which you suffer : it is an argument which you do not understand ; and it is only an argument by which you may excuse and salve your consciences. But I cannot. I for my part stand for this : that after all I have a right to persuade my men not to do a thing which, as human beings, they are free not to do. He is not obliged to accept your 25 rupees and risk his head in a war which he does not believe in.....

**An Honourable Member :** 18 rupees.

**Mr. Bhulabhai J. Desai :** Never mind what it is : it is a paltry sum in any case. The point is this : that if the Indian people have learned by now that though they were willing to risk their heads and belongings in the last war on a faith and promise which was never carried out, you are now beginning to realise that they are beginning to understand what it is that they are asked to enlist for. It is not the 1,70,000—it is 12 or 13 or 14 lakhs which is at the back of your mind. But take it from me that the Indian of 1913 and 1914 is not the Indian of 1938. He is a different man. Why should we assist, even if we are obliged to sacrifice our liberty, in order that you may succeed ? A great deal was said about the *Pax Britannica* and the beneficence of the British Empire. I will only call attention to some salient points—particularly to one or two which my Honourable friend, Mr. Aikman, and others mentioned—out of deference to the speech that he made. The point shortly is this : In the war of 1914, Sir, I have a vivid recollection as to how,—if you must use the word “loyalty”,—our loyalty was purchased, our loyalty was influenced. I was one of those, and I daresay there are some others in the House,—probably my friend, Mr. Jinnah, also was there,—who gathered in the Town Hall.....

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : I had the honour to differ from you very much on that occasion.

**Mr. Bhulabhai J. Desai :** Yes, I will presently point out what the difference was ; the difference was not in the direction in which he is now moving, but in the opposite direction. (“Hear, hear” from Congress

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*Benches*),—I hope and trust that he will remember the principles he then preached and will not go back upon them, but I have no desire to enter into an argument *ad hominem*,—I have an argument of my own with which I wish to deal, at least to the extent I can, to establish the issues which I wish to make for the consideration of this House,—but the fact remains that we were invited to the Town Hall in Bombay, and we were solemnly told by Lord Willingdon, for whom undoubtedly neither of us had very much affection.

**Mr. M. A. Jinnah :** I do not know about you.

**Mr. Bulabhai J. Desai :** I know very much about my friend,—anyway I think it is very unjust that we should enter into personal dispute. We stand on principles, and I hope my friend, assuming it is necessary to justify any position, will do so on matters of principle,—but I was merely on the question of issue. We were called together and told,—‘Here is an Empire engaged in a big war, and after all, what is it being fought for?’ This was during the middle of the war when the thing became more and more tense, when recruits and money were both required, and, I believe, on the following day a meeting was to be held in the Town Hall of Bombay for the purpose of inaugurating what was called the War Loan. At that time a message was read out to us purporting it to come from Mr. Lloyd George who then successfully began what was called the great drive for national protection. And he said, echoing, I believe, the words of President Wilson,—that this is a war for the salvation and liberation of the subject races. On that promise, on that hope, on that inducement, our loyalty was called into being, and we did everything, including Mahatma Gandhi, we did everything in our power, to the extent to which our ability and resources permitted us, to support that war. What came out of it then? Can we trust that this is a war from which India has anything to gain except merely that we should lend our men, our money and all our resources in order that your proud Empire may once more remain intact? That is our objection to the Empire idea. It is not a mere idea,—it is a matter of principle. We have realised by experience, bitter experience, experience learnt at great cost of loss of lives, loss of men and money, that the Empire only means this,—that there shall be someone who will be the person to rule everybody and the rest will be the subject races, and those who had the strength not to remain subject races, were by the Statute of Westminster, for all practical purposes, allowed to clear out of this show. The only thing that is left of the Empire is England as the master, India is the biggest subject race, and a few other small countries in many parts of the world. If this is the kind of Empire that you want us to defend, we regret very much that even if we were willing to sacrifice our personal liberty in a cause which appealed to us, this is certainly no cause which appeals to us, because we have realised the result,—and that is the kind of war for which you want that this Bill should be passed in order that more recruits may come in. And then consider the attitude of England. Referring to my friend, Mr. Aikman’s speech, what did he want us to do? He said: “Oh, England has the same prestige.” Well, I am not concerned whether she has the same prestige or not. He knows exactly what it is. And he instanced the mission of Lord Runciman. It is the fifth piece of political

treachery I can think of. I wish my friend had not brought it up. It is not a question of strength,—I am not bothered about either the tiger or the old woman or the old man or the rich man or anything else, but the fact remains that at the end of that war England came out richer in the subjection of other people than she had been before. That is what we had fought for or were induced to fight for, for the Empire remained with mandates. What that mandate means is a matter on which my friend had a lot to say, and on which I shall say only a few words when I come to it. But that was the result of the Empire,—added subjection of races who were not otherwise subject to that Empire.

Then, the League of Nations began, and we were asked to join it. But as soon as we joined it as an equal member, it struck the Prime Minister of England that it was altogether a dangerous thing. So they made a uni-lateral declaration binding upon us that no matter between India and England as regards their inter-dependence can be brought before the League. That was the first act.

Next came Manchuko. Liberty of free people, not merely the liberation of subject races, but subjecting people who were free, and that is what you are assisting in. That was the next. Then came Ethiopia and the sanctions. I remember very well being present in the House of Commons when the withdrawal of sanctions speech was made by the then Foreign Minister. I happened to be in the gallery, and he said this: 'We admit, gentlemen, that it was a wrong, but we could not right the wrong without avoiding a war, and we are not prepared to fight the war'. That is the brave Englishman. But why need he be brave? He said: 'I have got all I have; so long as I can get the other people fight, other people acquire other Empires, they must acquiesce in my maintaining my own'. Well, now you are having another scene enacted in Spain, and the last scene of all is the one to which my friend referred, and let me read to him a passage as to how Lord Runciman is regarded by those whom it is going to pinch. This is the report from the *Times* of the Prague special correspondent. This is what he says:

"Lord Halifax, in explaining Lord Runciman's mission to the House of Lords recently, compared the problem to be solved in Czechoslovakia with those of reconciling peoples of diverse race and blood, which have so often confronted the British Empire. This shows how greatly the issue is misunderstood in the outer world. If it were only a question of solving the grievances of the Sudetan Germans, how simple would the matter be! But it is not. The Sudetan Germans are Germany, and Henlein is Hitler. The issue is not the treatment of the Sudetan Germans; the glittering prize is the political control of Prague and Czechoslovakia, the reduction of the Czechoslovaks to the status of hewers of wood and drawers of water for the Germanic family which they had until twenty years ago...."

In other words, you want to send a man to demoralise the Czechoslovakians who wish to fight for the integrity of their State. If that is the mission, I can well understand it. I can easily understand that England does not wish to fight a war so long as other people take other peoples' properties and not England's. And, therefore, I am not one of those who are going to be deluded by the idea—'Oh, we are the makers and the keepers of the world peace'. Yes, you are the keepers of other peoples' peace, you are the keepers of other peoples' body and soul and properties. Then you say: Oh, India will be engaged in the next war, you are going to defend India's liberty. You

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are going to defend India as the property of England. That is your definition and idea of defending India. Therefore, when you talk of defending India, say that you are defending your property, the India, instead of saying "defending India", and I shall be the last to assist either of the two hypocrisies for which this war is going to be waged. The first is, let me keep my Empire so long as you can get an Empire somewhere else. With that I have no quarrel. And says Mr. Runciman: 'You must, after all, realise that I am here to prevent a war. You have got to fight if you don't come to an agreement and so on, and the real reason is also well known to my friends. France openly declared in a meeting that if Czechoslovakia had any issue on this we will fight the war. England at the same time was called upon to make a declaration of policy. They said: 'You are very unwise people, you will not listen to our advice. We have nothing to do with you. You fight your own'. Now that is not what I call an honest world peace maintaining policy at all. Nor does it redound very much to the prestige of the great country of which my friend speaks. But the fact remains that apart from the question of principle it is not a matter—and let us not delude ourselves with the idea.

I come to my Honourable friend, Maulana Zafar Ali, and my Honourable friend, Mr. Ghulam Bhik Nairang. They say, we do admit that Britain has used her forces against all Islamic States hitherto. There are no two opinions about it, but my Honourable friend says, we must have an Indian army, and then when he was asked, and quite rightly asked, but supposing that Indian army, what you call the Indian army—to which I shall come in a minute—were used against some of these very States, he says, "I have my card, it is inside for the moment, it cannot be shown". But my Honourable friend, Maulana Zafar Ali, said more explicitly, and I should like to read to the House so that he may see the paradise he lives in. This is what he said:

"He agreed with the object of the Bill to punish attempts to dissuade any one from enlisting in the Army; but when it came to the question of using these recruits for Imperialist purposes, for blowing up Palestine or bombing Waziristan or the dismemberment of Arabia, the Bill would be mischievous."

As if my friend, after the Bill is passed and the would be recruit becomes a soldier—his advice is going to be taken as to how that army is going to be used. Let him not flatter himself.

(At this stage, Maulana Zafar Ali Khan rose in his place.)

I do not give way. His advice will not be taken; nobody will bother about it. My Honourable friend, may remember that this is not the kind of spacious argument that can satisfy any man of common sense. You may argue as you like. You may vote as you like, but do not tell us, "Well we agree with you, with the grievances which you and I have in common". You seem to think that you have the strength to prevent those grievances being perpetuated in the future. It is perfectly obvious that once the army under any excuse is mobilised in this country my Honourable friends would not be asked—they will not be asked when the war is declared, and of course what the strategy is going to take place, as to where and how the war is going to be fought they won't consult you. But my Honourable friend believes in the wisdom of bolting the door after the horse has run away. He believes



in the wisdom of remaining in a paradise of his own where in an illusion he believes almost by the power of some magic or some other process, as soon as they come to Palestine, as soon as they do anything which is called Muslim in any form or in any shape, there Maulana Zafar Ali will wipe away the British army from going there.

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : We will act and not speak.

**Mr. Bhulabhai J. Desai** : Let us face the facts, let us face the facts as men, let us face the facts like reasonable men. The fact is, if you do not do it now, if you forfeit your first right and principle of persuading a man to do the right, you would have sold yourself and your country's freedom outright and once for all. Then we come to the Indian army. Yes, it is an Indian army, only Indian in one sense of the term. That poor India pays for it, and poor India provides the fodder. For when it comes to officering it, Indians do not exist. When it comes to using it, Indians do not exist, their consent is not required. That is the Indian army to which you are going to lend your support lest that Indian army should disappear. Allow me to tell you in voting for this Bill you are committing an atrocious crime on liberty, on civil liberty, knowing that the laws which exist in the country are quite enough for any legitimate purpose, for any legitimate suppression, for any legitimate prevention of force, intimidation or any other non-permissible means. But what you want to do is this. You want in advance to declare to the world. Therefore, we won't agree to it on principle. You must also remember as my Honourable friend, Mr. Asaf Ali, has so clearly made out,—have you found out why recruits are not coming, on the assumption that they are not coming ? The only defence pointed out was this. I remember when the Criminal Law Amendment Bill came there was a whole book of speeches circulated for the purpose of justifying those provisions which were incorporated in it, including the provisions which my Honourable friend pointed out were temporary provisions in that Act. My Honourable friend, Mr. Ogilvie, tried to refer to a speech but he dared not produce it or it did not exist. I do not blame him for it because he was told probably by the C. I. D. My Honourable friend said there were 150 meetings, 75 speakers, Youth Leaguers, Communists and so on and then he sat down. Such meetings are held today for public purpose, for teaching India the first principles of political science. The Government realise that there is no justification in fact for this Bill. But there is this one justification for their apprehension and that is this. That the Indian man is not going to be a hireling of the future. It is that which is their fear. They have begun to realise, notwithstanding my Honourable friend to the contrary, who said, " We want to sell our cotton ". I hope he will keep it to himself. But if there is going to be a war I do not want that our Indians should lay down their lives as they did before, like fools, like dupes between the years 1914 and 1919. We shall no longer be the dupes of this Empire. Therefore, the grounds on which we put our case are obvious. They are grounds which have no distinction between Hindu, Muslim, Jew, Parsee or anybody, and allow me to tell my friends that I am not going to imitate what they told me. It is not a matter of any personal dispute so far as we are concerned. It is not a matter of our saying ' No ' because you say ' Yes '. We have often gone behind you wherever any of your

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measures were those which supported a nationalist policy. We have no *amour propre*, and I refuse to accept the challenge of my Honourable friend, Maulana Zafar Ali, when I have no perpetual or any quarrel with him either. He can do exactly what he likes, he is free to do what he likes. He told us, "Oh! these Congress people. The Government want our vote. You want our vote"—like a coy maiden being wooed. What I want them to realise is this—that this idea about determining or stabilising factor is a very poor idea indeed. And I wish to tell you this. I quite agree that 55 hired individuals are available and a few more might be useful. But when the whole House is elected it would be a different story. If I have asserted my principle and if it is lost it does not matter. If you assist me in asserting the principle well and good and, if not, they may certify the Bill. But those days will some day go; this House will be an elected House. Then this question of stabilisation and wooing the coy maiden would not arise. Therefore, may I tell you, do not draw lurid pictures of things. We respect your vote. We want every vote of every man in this House, but not as a matter of quarrel, not as a matter of dispute, not as a matter of bargain. You stand for the right, I stand for the right. We are both agreed that the use of these armies has been put against Islamic States. But I do not want to put it on that ground. I put it on the ground, whether a State be Islamic or Christian or any other,—so long as the people are free and want to maintain their freedom I shall not be a party to deprivation of that freedom by the use of my men and my money. That is the broad basis which we have set to ourselves, and that is the broad basis by which we shall stand.

There is one more point which I wish to deal with and which my Honourable friend, the Law Member, dealt with. The fact remains, examining the speeches of Mr. Ogilvie, of Mr. Maxwell and others, that there is a faint whisper that the Punjab Government requires this.

In the first instance, even if it were true and even if it were demonstrated by any despatch between the two Governments produced for our benefit here, I would still say that it is a matter in which you cannot hustle and rush this House. There is such a thing as the rest of the country. May be you get more recruits in one area than in another and, I hope and trust, that Punjab does not exhaust the rest of India from any point of view and every point of view. Therefore, I maintain that no solid case has been made out. Not a suggestion is made of any requisition from the Government of any other province for the purposes of this specious excuse for what I might call the blackest statute on the Indian Statute-book, but that is not all. There is something much more that I wish to deal with and which I wish to present to you and to the House. It was claimed on behalf of the Government that this legislation falls within what you may call the exclusive list of the Federal Legislature. I venture to submit, and I should do so at very very short length, that it is a concurrent subject and being a concurrent subject, why should this House undertake the responsibility of doing this dirty job for the Punjab Government and sacrifice its principles. I will now call attention to List I in the Schedule :

"1. His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for

employment in Indian States or military or armed police maintained by Provincial Governments ; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment.'

Then we come to Item I in the Concurrent List :

" Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power."

There are laws referred to in List I now in the Indian Penal Code and that is the chapter relating to the army, naval and air force. The whole fallacy underlying the argument of my friend, the Law Member, is this—not excluding the laws but excluding things to be made laws in future. Now, that is in short the substance of the whole of the fallacy underlying the argument. What is excluded by Item No. I in List III is laws with respect to any of the matters referred to in List I and there are such laws undoubtedly. That is to say, if any Local Government wanted to amend the Indian Penal Code in respect of any of those sections relating to the discipline of the army, such as desertion, harbouring, etc., etc., all that could not be touched but it requires much more ingenuity and perhaps less perception to be able to accept that a thing which is not a law is a law and, therefore, should be accepted. That is the whole of the argument so far as I can see. Now, look at what is provided in this Bill :

" Whoever wilfully dissuades or attempts to dissuade the public or any person .....

Now, those are the class of people against whom the law is intended to be made. So that, it deals with freedom, as I call it, which I enjoy today, to dissuade a man who is a civilian. He might be called a would-be recruit but that is merely an expression—it is the freedom of one civilian to persuade another civilian not to become a non-civilian. That is the whole of section 2, item (a). Item (b) punishes a person who teaches some poison to the man after his recruitment, so that after having joined the army he might betray the army. I must confess that if my Honourable friend had given the smallest attention to the most elementary plain language of the Code, there was not the smallest difficulty in his seeing that it is a concurrent subject. Being a concurrent subject, it is the right of this House, particularly when a requisition has only come from one single province, to say that it shall not exercise its vote.

I wish to call attention to the policy underlying this matter which is contained in the Joint Parliamentary Committee Report on page 145. It was then anticipated that single provinces in the matter of concurrent subjects might wish to foist their will with the only too willing support of the present irresponsible Government and hustle us into this kind of legislation. 234 is the paragraph from which I am reading :

" There are obvious attractions to those who wish to see the freedom and initiative of the Provinces as unfettered as possible in an attempt to ensure by provisions in the Constitution Act that the powers of the Centre in the concurrent field are to be capable of use only where an all-India necessity is established, and where the enactment in question can appropriately be, and in fact is, applied to every province. We are clearly of opinion that such a restriction, apart from the prospect of litigation which it opens up, would tend to defeat the objects we have had in view in revising the List of concurrent subjects. For similar reasons we should strongly

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deprecate any provision requiring the prior assent of the provinces, or of a majority of them, as a condition precedent to the exercise by the Centre of its powers in this field or the condition suggested in the White Paper that the Centre is to be debarred from so using its powers in respect of a concurrent subject as to impose financial obligation on the Provinces. We recognise that, in practice, it will be impossible for the Centre to utilise its powers in the concurrent field without satisfying itself in advance that the Governments to whose territories a projected measure will apply are, in fact, satisfied with its provisions and are prepared, in cases where it will throw extra burdens upon provincial resources, to recommend to their own Legislatures the provision of the necessary supply."

I am aware that my Honourable friend, Mr. Jinnah, asked a question and I think my friend, Mr. Nairang, referred to an amendment which stands in his name, namely, that every province will apply the provisions of this Bill as it likes. Have you translated in your own mind what is the meaning of such a provision in practice. I have never known a piece of legislation of this type in which the provisions are to apply immediately to one province and the other provinces will apply them at their will and pleasure. This is an extraordinarily funny piece of legislation that we are asked to enact. Let the province which wants it, in the exercise of its power, create an offence and then apply it to its own territories but the fact remains that the rest of the country have not made any requisition for a Bill of this kind. That is enough for our purposes. It is only the Punjab Government which has been consulted so far as I am aware and the motion which stands in our name is an exceedingly simple and modest motion. After all let us see what the rest of the Indian provinces have got to say.

Now, if it is going to be a law for recruiting for the whole of India, I

5 P.M.

hope the Marathi and all the other recruiting areas, which are not within the sacred precincts of the Punjab, are not to be altogether left out of consideration for the purposes of this Bill. I daresay it might be today that that is so but I hope that is not going to be the case in future. Therefore, the motion that we stand for is of an exceedingly modest character. Government have made out no case; they themselves almost confess that they cannot produce an iota of evidence except for a few socialistic and other meetings which were alluded to by my Honourable friend, Mr. Maxwell. Beyond that, they have produced no evidence. There is nothing in support of rushing this measure through this House and we, therefore, ask at all events that we may have another opportunity, first of knowing what the Indian opinion is, and having known that, to what extent this matter of principles stands in the light of proved necessity,—and whether or not one of the elementary principles of human liberty, that of persuading one civilian by another to do so and so and not to do what he is not obliged to do except under peril of a punishment like this—is violated. One word more, Sir, and I have finished. The fact remains that they visualise a war—as will appear from the Statement of Objects and Reasons. Now we would never be willing parties to such a war, for we realize that the Empire in that sense stands for quite different ideas and ideals and of which we have been the victims for quite a long time. Sir, I am not one of those who wish to be perpetual slaves of Britain because some of my friends tell me, "Oh, if Britain goes, Japan comes"; at all events, so far as I am concerned, I am one of those who believe at least in trying to carry on a

struggle ourselves, instead of perpetually remaining on as slaves lest another man may deprive you of your liberty. It is one of those specious arguments which we are accustomed to listening to, "Oh, but there is fear all-round, how are we going to behave? Are we not patriots?" Sir, let us at all events be men. We have learnt to be men and we are not merely going by a certain argument and to ensnare our minds and our own hearts in order that we may justify our own slavery. On the strength of that one argument I am going to appeal to you, therefore, that we are entitled to time and this House is entitled to time. But apart from any question of time I say that, whatever the excuse given, anybody who votes for this Bill, modified or unmodified, sells India's freedom and betrays India's birth-right.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd August, 1938.

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## LEGISLATIVE ASSEMBLY.

*Tuesday, 23rd August, 1938.*

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The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

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### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### BEGGAR NUISANCE ON RAILWAYS.

374. **\*Mr. Lalchand Navalrai :** (a) With reference to starred question No. 1123, dated the 31st March, 1938, will the Honourable Member for Railways be pleased to state if the beggar nuisance on the platforms and premises of stations on the State-managed Railways has decreased since the aforesaid starred question was asked in the Assembly ?

(b) Have the administrations given any information of improvement in this matter, to which their attention was drawn as stated in reply to clause (c) of the aforesaid starred question ?

(c) Has there been any report of the Agent on the North Western Railway as to his having taken any action against the staff of the stations who have been allowing beggars on the platforms without tickets and begging from the passengers in trains, and what further steps has he taken in respect thereof ?

**The Honourable Mr. A. G. Clow :** (a) Government have no information.

(b) and (c). No.

**Mr. Lalchand Navalrai :** The Honourable Member is himself aware of the beggar nuisance on the railways ? Has anything been done to minimise this nuisance ?

**The Honourable Mr. A. G. Clow :** Yes, Sir, a letter was sent by the Railway Board on the 30th May to all the Agents and General Managers of Railways calling their attention to the questions which have been asked in the previous Session in this House and asking them to exercise their powers more freely in the matter.

**Mr. Lalchand Navalrai :** Was the Railway Board sleeping over this question and did they not get any information as to whether their orders have been carried out and whether any improvement had been noticed or not ?

**The Honourable Mr. A. G. Clow :** It is too early. The letter referred to by me would have been received by the Agents and General Managers only about the beginning of June. I do not think it called for a reply.

**Mr. S. Satyamurti :** Have Government got any information that railways are taking any steps to prevent this growing nuisance, of which many of us who are travellers by railways are aware ?

**The Honourable Mr. A. G. Clow :** I am not sure that it is a growing nuisance. Railways do take steps in the matter.

**Mr. S. Satyamurti :** Have Government any official information as to the results of the steps taken ?

**The Honourable Mr. A. G. Clow :** No information since June.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that people actually entrain without tickets always and with tickets sometimes and they beg in the carriages in the name of charitable associations and for other purposes.

**The Honourable Mr. A. G. Clow :** I was not aware of that. If the Honourable Member will make a complaint of any particular incident the railway staff will certainly attend to the matter.

**Mr. Lalchand Navalrai :** I am now telling that this practice is going on, and is the Honourable Member going to do anything to stop this nuisance ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has already given his reply.

**Mr. Manu Subedar :** May I know whether the circular promised by Sir Thomas Stewart, in reply to my question, was issued to all the railway administrations on this subject and whether any reply has been received from them ?

**The Honourable Mr. A. G. Clow :** I have already explained in reply to the question of Mr. Lalchand Navalrai that a circular was issued on 30th May and that no reply was called for.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member in a position to give figures as to whether this nuisance is on the increase or on the decrease ?

**The Honourable Mr. A. G. Clow :** No.

**Mr. S. Satyamurti :** It is a general nuisance of which the Government must be aware. Will the Government give the House any indication of the general nature of the steps which are being taken to put down the nuisance ?

**The Honourable Mr. A. G. Clow :** What the railways were actually asked to do was that the suggestion was made that station masters might be encouraged to exercise the power they have under the existing general rules of removing from railway premises any person who is not a *bonâ fide* passenger and who has no business connected with the railway.



**Mr. K. Santhanam :** Will Government consider the desirability of taking concerted action in certain big railway stations in order to devise measures to tackle this evil ?

**The Honourable Mr. A. G. Clow :** Government have no further special measures under contemplation. If in future the co-operation of passengers is forthcoming in the matter, I am sure that the station staff will be ready to listen to the complaints and remove this evil.

**Mr. N. M. Joshi :** Have the Government of India ever considered that the best way of preventing the beggar nuisance not only from the stations but from elsewhere is to ask the Provincial Governments to undertake the responsibility of maintaining these beggars ?

**The Honourable Mr. A. G. Clow :** That, Sir, is a matter for Provincial Governments.

**LOSS EXPECTED ON THE AIR MAIL SERVICE AND NEW POST OFFICES IN VILLAGES.**

375. **\*Mr. N. M. Joshi :** Will the Honourable Member for Communications be pleased to state :

- (a) the approximate amount of loss which is expected on the air mail service during the current financial year ; and
- (b) the approximate loss due to the opening of new post offices in villages during the same period ?

**The Honourable Mr. A. G. Clow :** (a) The estimated net saving on the Empire Air Mail route in the first year is Rs. 2.56 lakhs and the estimated expenditure on the internal routes is Rs. 13.75 lakhs, giving a net increase of expenditure of Rs. 11.19 lakhs.

(b) No estimate of the loss likely to occur by opening new Post Offices in rural areas is possible as the amount would depend on the number of such offices to be opened during the year and on the loss actually incurred in the case of each such post office.

**Mr. N. M. Joshi :** In view of the fact that the number of people who make use of the air mail is extremely limited and in view of the fact that that limited number is well-to-do, will the Government of India take steps to see that there is no loss on air mail and that whatever money is saved should be spent in opening village post offices ?

**The Honourable Mr. A. G. Clow :** That is a long question. It involves an assumption which I am unable to accept that the benefit of the air mail is only to wealthy persons. The advantages accrue to the general public through the benefit to commerce which ensues.

**Pandit Lakshmi Kanta Maitra :** Will the Honourable Member tell us the number of rural post offices opened during the last year ?

**The Honourable Mr. A. G. Clow :** I must ask for notice.

**Mr. Lalchand Navalrai :** With reference to part (b), is it a fact or not that new post offices are being opened when people pay for them and why should there be any loss on this account ?

**The Honourable Mr. A. G. Clow :** Not invariably. Not even generally.

**Mr. K. Santhanam** : May I know if the loss of eleven lakhs referred to will be permanently recurring or is it expected to be made good in a short time ?

**The Honourable Mr. A. G. Clow** : I think that is an average, but I would refer the Honourable Member to the financial statement which was appended to the memorandum presented to the Standing Finance Committee which gives year by year the financial effect as it is estimated.

**Mr. S. Satyamurti** : In view of the fact that the post office is now-a-days constantly being treated by the Government as a commercial department, and in view of the fact that the people who use this air mail service are, comparatively speaking, rich, will Government consider the advisability of increasing the air mail rates so as to eliminate this loss altogether ?

**The Honourable Mr. A. G. Clow** : No such proposal is under consideration.

**Mr. S. Satyamurti** : Why ?

**The Honourable Mr. A. G. Clow** : One reason is it is doubtful whether it would be beneficial.

**Mr. N. M. Joshi** : May I ask whether the Government of India will give us some idea about the indirect gains which the country makes by the air mail to compensate for the loss of eleven lakhs ?

**The Honourable Mr. A. G. Clow** : I must leave the Honourable Member to form his own conclusions.

#### MAKING THE PROCEEDINGS OF THE MEETINGS OF THE BOMBAY PORT TRUST OPEN TO PUBLIC INSPECTION.

376. **\*Mr. N. M. Joshi** : Will the Honourable Member for Communications be pleased to state :

(a) whether, with reference to the replies given to my starred questions Nos. 404, 405 and 406, asked on the 21st February, 1938, he has completed his enquiries and come to some decision regarding making the proceedings of the Bombay Port Trust open to the public ;

(b) if so, what his proposals are ; and

(c) if not, when he expects to come to some decision ?

**The Honourable Mr. A. G. Clow** : (a) and (b). The matter is under correspondence with the Port Trusts.

(c) In the near future.

#### REPRESENTATION FOR THE REDUCTION OF FARES AND ISSUE OF RETURN TICKETS BETWEEN CERTAIN STATIONS ON THE GREAT INDIAN PENINSULA RAILWAY.

377. **\*Mr. Govind V. Deshmukh** : Will the Honourable Member for Railways please state :

(a) if a representation was made by the public of Arvi, District Wardha, Central Provinces, to the Great Indian Peninsula

Railway authorities to reduce railway fares and issue return tickets from Arvi to Amraoti, Arvi to Nagpur and Arvi to Wardha ; and

- (b) whether the representation was considered favourably or rejected ; if rejected, on what grounds ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) Reduced return fares are already in operation between the stations to which the Honourable Member refers. The question whether any further reduction in these fares can be justified is being examined by the Railway Administration.

SHARES OF INDIAN TRANS-CONTINENTAL AIRWAYS, LIMITED, HELD BY INDIAN NATIONAL AIRWAYS, LIMITED.

378. **\*Seth Govind Das :** Will the Honourable Member for Communications please state :

- (a) the percentage of shares of Indian Trans-Continental Airways, Limited, held by Indian National Airways, Limited ;
- (b) whether it is contemplated to increase the capital of the Indian Trans-Continental Airways, Limited ; if so, to what tune ;
- (c) whether it is contemplated allowing the existing shareholders to possess holdings in proportion to the increased capital ; and
- (d) whether it is contemplated increasing the capital of the Indian National Airways ; if so, to what extent, and how the shares will be subscribed for the proposed increased capital ?

**The Honourable Mr. A. G. Clow :** (a) and (b). I would refer the Honourable Member to the reply I gave to Sardar Mangal Singh's starred question No. 155 on the 12th August.

(c) I presume the Honourable Member is referring to the shareholders in the Indian Trans-Continental Airways. If so, the reply is in the affirmative.

(d) I understand that the authorised capital will not be increased but that a fresh issue will be offered to the public.

EXPIRY OF AGREEMENT WITH THE TRANS-CONTINENTAL AIRWAYS, LIMITED.

379. **\*Seth Govind Das :** Will the Honourable Member for Communications please state :

- (a) whether it is a fact that the agreement between Government and the Trans-Continental Airways, Limited, is due to expire in 1939 ;
- (b) whether Government are aware that at the meeting of the Standing Finance Sub-Committee of the Assembly held on the 14th March, 1929, Sir George Schuster, had stated that

not less than 75 per cent. of the voting rights would give Government the control desired over the affairs of the Company ;

- (c) whether it is a fact that Sir George Schuster further stated the methods by which 75 per cent. of the said voting rights might be secured while Government need only find ten per cent. of the capital, and the Standing Finance Committee agreed to it ;
- (d) whether Government's attention has been drawn to the recommendations of the General Purposes Sub-Committee of the Indian Retrenchment Advisory Committee, 1931, against allowing any non-Indian Company to start the air link between the East and the West ;
- (e) whether Government's attention has also been drawn to the assurances given by Sir Frank Noyce in 1933 in the Legislative Assembly that the arrangements were subject to the provision that in 1939 " the Government of the day would be perfectly at liberty to reconsider the whole position " ; and
- (f) whether Government reconsidered the whole question, particularly in view of the recent inauguration of the all-up Empire Air Mail Scheme, and if so, whether they propose to utilise this occasion for having predominant Indian controlling interests in the vital industry of aviation ?

**The Honourable Mr. A. G. Clow :** (a) The agreement made in 1933 between His Majesty's Government and the Government of India for the participation of Indian Trans-Continental Airways in the Karachi-Singapore Air Service was due to expire on 31st March, 1939. The attention of the Honourable Member is invited to the reply given to parts (a), (b) and (c) of his starred question No. 151 on the 12th August, 1938.

(b) and (c). I would refer the Honourable Member to the reply I gave to part (b) of Mr. Satyamurti's starred question No. 32 on the 8th August, 1938.

(d) All the recommendations of the Committee were brought to the notice of Government.

(e) Yes.

(f) The inauguration of the All-up Empire Air Mail scheme was the result of the arrangement to which the Honourable Member has referred in part (a) of his question, and no occasion for reconsideration has thus arisen.

**Seth Govind Das :** What was the reason to enter into this new agreement when the old agreement was due to expire in 1939 ?

**The Honourable Mr. A. G. Clow :** I explained that in reply to a previous question in this House.

**Mr. Manu Subedar :** With reference to clause (e), does the reply mean that this Government have tied the hands of the Government, whoever they may be, during the next 15 years, or will they be free to terminate this agreement when they like ?

**The Honourable Mr. A. G. Clow :** No, Sir ; the arrangement is for 15 years.

**Mr. Manu Subedar :** Will they have the freedom to terminate this ?

**The Honourable Mr. A. G. Clow :** I do not think so.

**Mr. Manu Subedar :** Is there any clause in the agreement empowering them to terminate this ?

**The Honourable Mr. A. G. Clow :** Not so far as I am aware.

**Seth Govind Das :** Then in reply to part (e) of the question how does the Honourable Member say " Yes " ?

**The Honourable Mr. A. G. Clow :** What the Honourable Member asked me was whether Government's attention was drawn to that assurance, and I answered in the affirmative.

**Seth Govind Das :** How are Government going to give effect to what Sir Frank Noyce had made clear before this House ?

**The Honourable Mr. A. G. Clow :** Instead of reconsidering it in 1939 they reconsidered it at a somewhat earlier stage.

**Mr. S. Satyamurti :** With reference to the answer to clause (f) and the previous statements of my Honourable friend, may I know whether there is any opportunity for this Government or its successor to secure what is intended in the second part of the question, namely, predominantly Indian controlling interests in the vital industry of aviation ?

**The Honourable Mr. A. G. Clow :** Not at present, Sir.

**Mr. S. Satyamurti :** I am asking, with reference to this statement made by my Honourable friend some days ago, that some of these airways may throw their shares open to the market, and there will then be an opportunity for India to get bigger interests ?

**The Honourable Mr. A. G. Clow :** Certainly, Sir.

**Mr. T. S. Avinashilingam Chettiar :** With reference to clause (e) may I know why Government thought it fit to bind themselves for such a long period as 15 years ?

**The Honourable Mr. A. G. Clow :** I have explained that in answer to previous questions in this House. You cannot make arrangements of this kind terminable at short notice.

**Seth Govind Das :** Is it not a fact that the previous arrangement was made only for five years and that was also considered to be a long period ?

**Mr. President (The Honourable Sir Abdur Rahim) :** That is a matter of opinion. Next question.

## METALLED ROADS IN INDIA AND RAIL-ROAD COMPETITION.

380. \***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways and Communications please state :

- (a) the approximate total length of metalled roads in India parallel and close to the Railways ;
- (b) if it is correct to say that passenger buses and goods lorries run everywhere on these metalled roads unless prohibited ;
- (c) the approximate number of buses and lorries that so run ;
- (d) if it is incorrect to say that more often than not, bus and lorry rates are higher than railway rates and that they are preferred to railways for conveniences denied by or impossible on railways ;
- (e) if Government have prepared a comprehensive list of bus rates where they compete with railways ;
- (f) if Government have ever asked the railways to investigate and give reasons specifically for each area why, in spite of higher fares, buses are patronised ;
- (g) if any investigation has been made as to what extent it is not possible for railways to supply the conveniences that can be given by the bus in each such area ; and
- (h) if the railways have by now done the utmost that is possible in the shape of grant of additional conveniences to wean back traffic from the bus ?

**The Honourable Mr. A. G. Clow** : (a) The figure given in Appendix A to the Mitchell-Kirkness Report is 13,227 miles. Government have no more recent information.

(b) I believe the statement to be generally correct, so far as buses are concerned. The use of goods lorries is not so common.

(c) The information is not available.

(d) On routes on which there is direct competition between motor vehicles and the Railways, I do not think it is correct to say that more often than not the bus and lorry rates are higher than railway rates. As regards the degree of preference for motor transport, it varies according to local conditions, and I am not in a position to generalise.

(e) No.

(f) Investigations are constantly made, but I am not prepared to accept the statement that in spite of higher fares buses are patronised as generally correct.

(g) Railways on their own initiative have made and continue to make such investigations as are practicable and steps have been taken to increase the amenities of passengers.

(h) I would refer the Honourable Member to paragraphs 51 and 88 of Volume I of the Report by the Railway Board on Indian Railways for 1936-37 which give particulars of the action taken by Railways to meet road motor competition, and to provide amenities for passengers.

**Mr. Brojendra Narayan Chaudhury :** With regard to clause (d) will it not be more correct to say " often " instead of " more often " ?

**The Honourable Mr. A. G. Clow :** " Sometimes " would be correct.

**Mr. K. Santhanam :** With regard to part (h), is it a fact that the improved type of third class compartments have not come into general use on any railway ?

**The Honourable Mr. A. G. Clow :** Not yet ; it takes a long time to replace stock.

**Mr. S. Satyamurti :** With reference to part (d), may I know if sometimes when bus and lorry rates are higher than railway rates, passengers prefer to travel by buses because of conveniences denied to them on the railways ?

**The Honourable Mr. A. G. Clow :** If the word " conveniences " means stopping opposite one's house or something like that, -yes, certainly.

**Mr. N. V. Gadgil :** When do Government hope to bring the new carriages into general use ?

**The Honourable Mr. A. G. Clow :** I believe there are a number provided for in the new programme.

#### SCHOOLS IN THE NAGA HILLS DISTRICT IN ASSAM AND ERADICATION OF SLAVERY.

381. **\*Mr. Brojendra Narayan Chaudhury :** Will the Foreign Secretary please state :

- (a) if the Naga Hills District in Assam is a tribal area ;
- (b) the number of schools of different grades in Naga Hills ;
- (c) the number of villages which are within reach of a school ;  
the total number of villages in the district ;
- (d) if the system of slavery has existed in Naga Hills from times immemorial, and if it is sanctified by social customs and complicated with civil rights ;
- (e) the measures taken by Government to civilise the people and to modernise their ideas of rights of person and property ;
- (f) if military expeditions of burning of villages were recently, within a year or so, undertaken with a view to checking slavery by releasing some slaves ; and
- (g) if slavery has been completely eradicated after the expedition referred to ?

**Sir Aubrey Metcalfe :** (a) No. It is an administered District and an excluded area.

(b) (i). *Lower Primary Schools :*

Government	..	..	115
Government-aided	..	..	19
Mission	..	..	36
			161

(ii) *Middle English Schools :*

Government	..	..	1
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(iii) *Training Schools :*

Government-aided	..	..	2 (up to Middle English standard).
Mission	..	..	2 (Up to Upper Primary standard).
			4

(iv) *Industrial Schools :*

Government	..	..	1
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Grand Total .. 167

These figures refer to schools in the Naga Hills District. There are no schools in the tribal area, which consists of hills inhabited by Nagas and is sometimes loosely included in the term "Naga Hills".

(c) The number of villages which are within a reach of a school is 193. The total number of villages in the Naga Hills District is 481. The number of villages in the tribal area is not known.

(d) If the reference is to the Naga Hills District the answer is in the negative. If the hills inhabited by Nagas in the tribal area are meant the answer is that slavery used to exist in a few special areas, but it is believed that it has now been eradicated.

(e) The usual measures of education, opening up of communications, provision of medical facilities and maintenance of public security.

(f) There has been no military expedition but a column of the Assam Rifles visited the tribal area in 1937 and again in the cold weather of 1937-38 and freed what are believed to be the last remaining slaves. Attention in this connection is invited to statements on the subject which appeared in the Press and copies of which are laid on the table of the House for ready reference.

(g) It is believed so.



(Issued early in 1937.)

India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively and as soon as possible the complete abolition of Slavery in all its forms. It was however found necessary to make a reservation in respect of certain outlying and inaccessible areas bordering on Assam and Burma where it was thought, it would be difficult to implement our undertaking effectively. Recently the Government of India have agreed to the reservation being withdrawn in respect of certain areas including the tribal areas East of the Naga Hills District in Assam. As a first step towards the fulfilment of the requirement under the Slavery Convention to bring about the abolition of Slavery in this area the Government of India, at the request of the Government of Assam, agreed to an expedition, headed by the Deputy Commissioner, Naga Hills, and composed of a column of Assam Rifles. The object of the expedition was to acquaint the headmen of the villages with the determination of Government to suppress the practice of Slavery and, if they persisted in an attitude of defiance, to punish them. This action was rendered imperative by the conduct of one of the villages in that area, namely, Pangsha, which, with the assistance of certain other villages, had been raiding and destroying the weaker villages in their neighbourhood and holding their captives as slaves in defiance of warnings from Government. The expedition was a complete success; and the following report of the Deputy Commissioner, Naga Hills, is released for the information of the public.

I left Mokokechung on November 13th with two and a half platoons of the 3rd Assam Rifles under the command of Major Williams, and 360 carriers under the command of Mr. Smith. Dr. von Furer Haimendorf of Vienna University accompanied the expedition as an anthropologist. On the 19th Panso came in to see me at Chientang and their friendly overtures relieved our anxiety regarding our flank. On the same day there arrived a truculent challenge from Pangsha. On November 20th we reached our advanced base at Chingmei where the loyalty of my old friend Chingnak was of inestimable value. There we found that Pangsha had handed over to him all their slaves but one; they still defied us to visit them, and I found they had terrorised the whole neighbourhood, threatening to destroy any village which helped us. My first object was to visit Yimpang. They had already returned the only slave they held to Mokokechung when they heard that a column was really coming out, and they had had some reason for raiding Kejuk, who had abetted Tuensang in their treachery—or rather the treachery of Saiyo a notorious rogue whom the decent elements in Tuensang now talk of killing for the good of the village. I wished to show Yimpang that when we intended to visit a village we did so, but that we harmed no one with whom we had no quarrel. This I accomplished on November 22nd, returning *via* Waoshu, a small village which had been dragged into the Saochu raid against their will out of fear of Pangsha. Noklak had sentries watching us from the range to the East of our camp and sent an armed force to move parallel to us on our way to Yimpang; their men walked into Yimpang as we walked out, and announced that they had been ready in case Yimpang wanted any help.

On the 24th the column, with as few loads as possible, went to Noklak on the way to Pangsha. Noklak were evidently terrified at the thought of offending Pangsha and refused to clear the path for us. Most of it was a narrow, overgrown ledge along a precipitous cliff. Not only was it guarded by “panjis” (bamboo spikes) put there owing to their war with Chingmei, but additional “panjis”, newly sharpened, had been planted for our benefit. In spite of the utmost care one advance scout was spiked right through the foot and one lance-naik and another scout were gashed. It was long before we could get in touch with the Noklak men and when we saw them they were very nervous. Eventually some were persuaded to come forward and talk. I knew that their hostility was due to pressure by Pangsha, and it was important not to have a hostile village behind us when we passed them. I therefore promised safety.

On November 25th we proceeded towards Pangsha and camped in the bed of the Langyu River below the main village. Our route lay along the flanks of the hills on the west bank. Pangsha being on the slopes of the East bank. Soon after passing the Moklak-Pangsha boundary we saw a small, unarmed party of Pangsha men in the distance. Four were induced to come and speak to us, and brought with them a goat and a chicken. They asked whether we would make peace. There was not the slightest doubt as to the only possible answer. To have made peace, turned back, and abandoned the remaining slave at the price of a goat, a fowl and some smooth words would inevitably have been interpreted as a sign of weakness. Friends who had helped us would have been massacred and raid would have continued. I therefore told the envoys that I did not believe their statement that they could not produce the slave

girl, and that I was going to punish them for their conduct and insults to Government. I then sent them safely away.

By this time a very large armed party was already on the move to cut us off. We saw them crossing the Langnyu valley and outmanœuvred them by cutting a path straight down to the river, and moving upstream in open ground. While getting into camp an armed body appeared above us and were dispersed, probably without casualties. Then three men rushed down to get ahead from the coolies cutting bamboos. They were fired on and turned back. Two fell, but picked themselves up.

On November 26th we burnt the main village, nearly losing four coolies who struggled against orders. In the afternoon we moved downstream to below the separate Wenshoyi "khel". Next morning the baggage with one platoon was sent straight back to Noklak, and one platoon with a few scouts and debashis went up to burn the "khel". We were very heavily attacked on our way down in a last effort by Pangsha to wipe us out. It was only the skill and coolness of Major Williams and his force that enabled us to make a safe withdrawal to Noklak, without losing a man and after inflicting losses on the enemy, whom ground and cover enabled to charge to within 50 yards before they were stopped.

That evening Chingmei and Noklak made peace, Noklak being no longer in any doubt as to the safer side of the fence. I also fined Noklak for their previous hostility. Ponyo, who may have sent a contingent to help Pangsha, also came to see me. I sent word through them to Pangsha that if they would come and talk to me at Chingmei their envoys would be safe. This they did two days later. They admitted defeat and promised to stop slave-raiding and to return the remaining slave. All three villages swore an oath of friendship and were sent home with presents of salt. Pangsha kept their word and the slave girl was sent for and brought to our camp at Chentang on December 7th and is now safe with her parents.

Ponyo produced him at my request. He is now a freed man married in Ponyo and ignorant of a single word of Chang. He is perfectly happy and has no wish to return to Chang relations whom he cannot remember. I therefore sent him back to Ponyo at his own request, with an assurance from Ponyo that he is perfectly free to leave the village if he should ever desire to do so. The next task was to deal with Nokhu. We arrived at Panso on December 3rd and were given a great welcome as the conquerors of their sworn foes Pangsha. I got in touch with Nokhu, and representatives of every 'morung' came to see me. They confirmed, what I had already heard, that of the three slaves they captured one died, and two were returned to their relations as soon as news came that a column had really started. Enquiries left me no reason to doubt the truth of their statement and it can be accepted. Nokhu said they had no wish to suffer the fate of Pangsha and asked to be regarded as friends.

While at Panso I heard of yet another slave, a child captured by Sanglao from an unknown village called Phang, somewhere on the Assam side of the Patkoi to the South.

A Naga messenger from Panso takes a whole day to get there and a whole day to get back. A column from Panso could not have dealt with the village earlier than on the 3rd day. There are no local supplies at all, as no rice is grown, and with the rations we had it was impossible to undertake such a further unexpected extension of our tour. I therefore tried to negotiate with Sanglao. This I was able to do indirectly, though not directly, since no messenger from Sanglao ever got beyond the huge rabbit warren of Panso village and had always left by the time we heard he had arrived. The village sent in daos as a sign of friendship and has promised to try and get the child from his owner. Chingmak of Chingmei will continue to emphasise the seriousness of the message I sent that a column would certainly go out and destroy Sanglao if the slave is not handed over. From Panso we returned *via* Chentang and Tuensang to Mokocheung, arriving there on December 13th.

#### *Summary of results.*

(I) All the slaves captured by Yimpang and Pangsha, for the recovery of whom the expedition was originally sanctioned, have been rescued and restored to relations or friends.

(II) Steps are being taken to recover the slave held by Sanglao, of whom information was only received when the column was about to return.

(III) A hitherto unknown Chang slave now at Ponyo was brought in by that village. I satisfied myself that he is free and perfectly happy.

(IV) By the punishment of Pangsha a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently.

*(Issued in the cold weather of 1937-38.)*

"India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively, and as soon as possible, the complete abolition of slavery in all its forms. It will be remembered that a successful expedition was sent to the Pangsha tribal area in Assam in 1936 with a view to informing the headmen of the villages that Government were determined to suppress the practice of Slavery in those parts. After the 1936 expedition it transpired that certain villages in the tribal area still held slaves in spite of repeated warnings, and at the request of the Assam Government a further expedition to Nokhu and other villages in the tribal area was agreed to by the Government of India in 1937. The expedition was successful and the following report of the Deputy Commissioner, Naga Hills, is released for the information of the public."

After the 1936 expedition to Pangsha, it transpired that the village of SANGLAO still held one slave and in spite of constant warnings refused to release the slave. The Deputy Commissioner, Naga Hills, accordingly asked for permission to warn Sanglao that unless the slave were released the village would be visited and punished. Government permission was accorded to this action. It subsequently transpired that the village of NOKHU had not released their slaves in spite of their affirmations to the Deputy Commissioner last year, and that the village of PESU, south-west of Sanglao the position of which was then unknown, held at least one slave. It was not known whether villages further south held slaves or not. The sanction to the expedition was duly obtained from the Government of India. Throughout the rainy season constant attempts were made to get the villages concerned to release their slaves but although it was reported that Sanglao had obeyed Government orders, Nokhu and Pasu remained obstinate.

Accordingly on the 1st November a column composed of the 3rd Assam Rifles with a Civil Officer and other necessary staff left Mokokehung with the object of releasing the slaves and suppressing slavery for the future.

Chingmei village was reached on the 7th November without incident. All villages *en route* were most friendly. The 8th and 9th November were spent at Chingmei and loads were divided, as it had been arranged to send the surplus baggage and carriers to join the main column at the Zungki River on the 19th November. The baggage column subsequently had an uneventful journey except at YIMTSUNGAENRR village which refused to supply carriers. The neighbouring villages however promptly turned out to help, and the original programme was adhered to.

On the 10th the main column reached Nokluk and on the 11th a last attempt was made to get Nokhu to release their slaves. Ever since the 6th November at Chentang, Nokhu had been sending in various deputations each with a different story as to where the slaves were, but alike only in saying that the slaves were not in the village. Each deputation had been told that the slaves must be produced. Up to the 11th however no slaves had appeared. Nokhu believed up to the last minute that as Government had not visited their village last year, they would not be visited this year.

The 11th November was spent in visiting Nokluk, a most friendly and interesting village, and in having a good look at the approaches to Nokhu and on the 12th November the column moved to Nokhu. On the way up to the village four slaves were produced. They had, of course, been in Nokhu the whole time. The column with the slaves moved up to a camp site close to Nokhu. The various messengers were then told to go back to the village and warn all concerned, that last year and this year they had lied consistently to Government. Their village would accordingly be burnt the following morning and any one found in the village would be regarded as hostile and shot. Next morning the village was attacked. Nokhu had left three sentries in the upper khel to give warning of our approach. One of these was shot dead and the other two wounded. We were told afterwards that this unexpected loss caused the main ambush waiting for us to leave the upper khel to panic and that there were many

casualties caused by the panjis laid for us on the path we did not take. On the 13th and 14th November we halted at Nokhu, and got in touch with the villagers who were all secreted in various mallahs through the good offices of HANUNG of Langyok, a most useful and intelligent ambassador. Finally the fine exacted was paid and Nokhu swore a most impressive oath of future fealty to Government.

We halted for both the 13th and 14th November at Nokhu as I thought it advisable to realize a fine from Nokhu as a sign of submission to Government and to make peace formally.

On the 15th we started out for Sanglao. We had nowhere been able to get a glimpse of the village and it was a good deal further than we had thought. The path ran over the top of every hill on the ridge and it was a tiring march. Sanglao were overwhelmingly friendly. They had previously had one slave which they had handed back to Chiliso village on receipt of Government orders (Chiliso subsequently confirmed this).

We spent the 16th at Sanglao trying in vain to get in touch with Pesu, and recover the slaves. Owing to the efforts of Chilim, a Panso headman, three slaves were produced during the night but we failed to get in touch with Pesu at all. We could not afford another day's halt and accordingly on the 17th started for Pesu, the exact position of which was unknown. Just after going through Sanglao word was passed up that one of the slaves had vanished. The slave had been calmly lifted from the column by one of the Sanglao headmen as he had a claim against the slave's father. We were in consequence considerably delayed and unfortunately had no time to deal with that headman. We were again delayed by finding a large crowd of Panso men fully armed, on look out for loot on our tail and nearly had to use violence before they would go home. Further delay was caused because Pesu at last sent a representative to meet us and we had to hear him at length.

The raid on WAPIHARR or WONGPONG was admitted and there was no excuse offered. As the raid had taken place on the 2nd November, it had clearly been a gesture of defiance. Accordingly information was sent that we were going to burn the village and any one found in it would be regarded as hostile. I had to give the Pesu representative start of half an hour and we then proceeded to Pesu, which was much further down the slope than we had thought, and burnt it without opposition. There was no water near Pesu and we accordingly pushed on to Chiliso, the chief of which village was with us and made camp by moonlight.

**Mr. Brojendra Narayan Chaudhury :** With regard to clause (e), is the Honourable Member aware that Mr. J. P. Mills, an experienced District Officer and a noted anthropologist, has written in a monogram to the Assam Census that the education of the type which is given has been on the whole an evil rather than good ?

**Sir Aubrey Metcalfe :** I did not hear the Honourable Member's question clearly, but he appears to be giving information and not asking for it.

**Mr. Badri Dutt Pande :** Who manages these schools in the tribal areas ? Are they managed by Government or by the district boards ?

**Sir Aubrey Metcalfe :** I have given all the particulars that are available and explained which are Government schools, which are mission schools and which are Government-aided schools.

**Mr. Brojendra Narayan Chaudhury :** With regard to (f) have Government considered this aspect of the matter that in the matter of eradication of superstitions like slavery, etc., the proper method is persuasion and importation of new ideas rather than the use of force, such as, sending the Assam Rifles, etc. ?

**Mr. President (The Honourable Sir Abdur Rahim) :** That is a matter which cannot be discussed now. Next question.

INVESTIGATION INTO THE CONDITION OF THE BENGAL DELTA FOR FACILITATING STEAMSHIP NAVIGATION.

382. \***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member in charge of Communications please state :

- (a) if he is aware that Bengal Delta and particularly the estuarian river Padma are gradually silting up making steamship navigation more and more difficult and slow ;
- (b) if his attention has been drawn to the expert opinion expressed at Irrigation Conferences and of Dr. Radha Kamal Mukharjee to the effect that treatment by barrage and cultivation of the rivers Brahmaputra, Ganges, Jamuna, etc. (which ultimately fall into the Delta) in their upper courses in Assam, the United Provinces, and Bihar is responsible to some extent for the present condition of the Bengal Delta ;
- (c) if his attention has been drawn to item 32, Part II, Concurrent Legislative list (iii) of the Seventh Schedule and section 126 (2) of the Government of India Act ; and
- (d) if he has in contemplation the appointment of a committee to investigate the condition of the Delta and the above-mentioned rivers with a view to facilitating steamship navigation and undertake necessary legislation, or if he contemplates giving directions to the Provinces of the United Provinces, Bihar, Bengal and Assam, to appoint a joint Waterways Board for control of the rivers and the Delta ?

**The Honourable Mr. A. G. Clow** : (a) and (b). I understand that the view of the Bengal Government is that rivers in northern and central Bengal have deteriorated due to natural changes in the courses of their parent rivers, the Teesta and the Ganges, but that there is no evidence that the Padma (lower Ganges) is gradually silting. A large quantity of the discharge of the Ganges and her tributaries is, however, being utilised for irrigation in the Upper Provinces, and the opinion has been expressed that the further extraction of the dry weather discharge of those rivers may effect navigation in the lower Ganges during the low water season. I have not seen the opinion of Dr. Mukherjea to which reference has been made.

(c) Yes.

(d) No.

**Pandit Lakshmi Kanta Maitra** : Is it not a fact that Sir William Wilcox, the famous irrigation engineer of the Nile fame, expressed the view that the deterioration of the whole river system of Bengal was due to indiscriminate embankments of railways in total disregard of the natural system of drainage of the country ?

**The Honourable Mr. A. G. Clow** : I have not seen that opinion, Sir.

### MEASURES TO CHECK TAMPERING WITH RAILWAY PERMANENT WAY.

383. \***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state :

- (a) the steps, in detail, taken to see that the Railway permanent way is not (i) maliciously interfered with, and (ii) carelessly interfered with by labour gangs ;
- (b) if in spite of precautions taken accidents and very serious accidents do happen at intervals due to tampering with permanent way ;
- (c) if it is practicable to guard closely the permanent ways in such a way that malicious interference would be impossible ;
- (d) what the cost of so closely guarding the way would be ; what the percentage of total Railway earnings or the cost per mile for guards would be ;
- (e) who are the people who have been found or suspected to be the malicious perpetrators of such a heinous offence ; whether they were Railway workmen in most cases ; whether it has ever been found that the neighbouring villagers do such acts for the mere fun of it ; and
- (f) if Government propose to take punitive action against groups of suspected Railwaymen ?

**The Honourable Mr. A. G. Clow** : (a) (i). The whole permanent way is inspected daily by the keyman of each gang and at frequent intervals by the assistant permanent way inspector and the permanent way inspector ;

(ii) Each gang of permanent way men works under the supervision of a trained mate, who is responsible for acting in accordance with orders issued by the permanent way inspector or his assistants ;

(b) Yes, but very serious accidents are rare.

(c) No.

(d) Does not arise.

(e) The Honourable Member is referred to the reply given to his starred question No. 161 on the 12th August, 1938.

(f) Action is taken in every case where proof of complicity is obtainable, irrespective of whether those implicated are railwaymen or not.

**Pandit Lakshmi Kanta Maitra** : Is it not a fact that of late, as a measure of retrenchment there has been a large reduction in the staff of permanent way inspectors and assistant inspectors and gang coolies and that they have been put in charge of heavy sections to look after and as a result the lines are not receiving the attention that they used to before ?

**The Honourable Mr. A. G. Clow** : I am not aware of that.

**Pandit Lakshmi Kanta Maitra :** In view of the fact that the Government say, after almost every railway accident, that it is due to sabotage and removal of rails, do Government propose to hold an inquiry into this aspect of the question, that there has been heavy retrenchment in the number of gang coolies and the men in charge of the permanent way in the different sections of the railway and will the Honourable Member compare the figures at present with those existing five years ago and see the result ?

**The Honourable Mr. A. G. Clow :** I have listened to the Honourable Member's speech but I am unable to accept his premise that nearly every accident is attributed to sabotage. So far as I am aware the gangmen have not been reduced below the level that the Chief Engineer considers reasonable on any railway.

**Pandit Lakshmi Kanta Maitra :** Do I understand that the Honourable Member is prepared to contradict my question that there has been heavy reduction ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

ACCIDENT TO THE PUNJAB MAIL NEAR MUTHROOPUR ON THE EAST INDIAN RAILWAY.

384. \***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) whether Government have investigated the causes of the accident to the 'Punjab Mail' near Muthroopur on the East Indian Railway on the 7th June, 1938 ;
- (b) what the results of that investigation were ; and
- (c) whether the results will be placed on the table of the House ?

**The Honourable Mr. A. G. Clow :** (a) The accident was enquired into by the Senior Government Inspector of Railways.

(b) The investigation showed that the accident was due to the wilful removal of a rail.

(c) A copy of the Senior Government Inspector's report has been placed in the Library of the House.

**Mr. S. Satyamurti :** Have Government taken any further action in pursuance of this report of the Senior Inspector ?

**The Honourable Mr. A. G. Clow :** Such further action must lie within the competence of the police.

**Mr. S. Satyamurti :** This answer has been given more than once : may I take it, therefore, that once an investigation has been handed over to the police, the railways wash their hands of it completely ?

**The Honourable Mr. A. G. Clow :** It is not a question of washing their hands at all. We do not know who the miscreants are and it is not possible for the railway officers to conduct a detective inquiry.

**Mr. S. Satyamurti** : May I ask whether in the further stages of the inquiry the railway officials are likely to give some useful and relevant information and actively co-operate with the police, or will they merely leave it to the police to find out things for themselves ?

**The Honourable Mr. A. G. Clow** : Yes : there has been full co-operation in this case.

**Prof. N. G. Ranga** : Has the police been able to take any further action ?

**The Honourable Mr. A. G. Clow** : Not so far as I am aware.

**Prof. N. G. Ranga** : What action has been taken at all ?

**The Honourable Mr. A. G. Clow** : I am afraid that should be addressed to the Provincial Government.

**Mr. S. Satyamurti** : Are not the railway police under the partial control of the Central Government ?

**The Honourable Mr. A. G. Clow** : I do not think the police enquiring into this matter are subject to the control of the railway.

**Prof. N. G. Ranga** : What is the information of the Government of India, whether the police have taken any action or not ?

**The Honourable Mr. A. G. Clow** : They have been inquiring into the matter and the railway have co-operated in the inquiry.

**Mr. S. Satyamurti** : May I know if the investigation has been handed over to the provincial police and the railway police have not taken any action on it ?

**The Honourable Mr. A. G. Clow** : I said the police now concerned are under the control of the Provincial Government.

**Pandit Lakshmi Kanta Maitra** : Is it not a fact that during this inquiry it transpired that this section at least was suffering from reduction of the number of gang coolies ?

**The Honourable Mr. A. G. Clow** : I am not aware of that.

#### GRIEVANCES OF THE POSTAL AND RAILWAY MAIL SERVICE STAFF AT DELHI.

385. **\*Mr. S. Satyamurti** : Will the Honourable Member for Communications please state :

- (a) whether his attention has been drawn to the grievances of the Postal and Railway Mail Service staff at Delhi, mentioned by Mr. J. N. Sahni, the Editor of the *National Call*, in his presidential address at the annual conference of the Delhi Provincial Postal and Railway Mail Service Union ;
- (b) whether Government have examined the adequacy or otherwise of the staff, clerical or otherwise, in the Delhi offices including Railway Mail Service ;
- (c) whether the staff of the Railway Mail Service are not allowed one weekly holiday ;



- (d) whether the eight hour day is in vogue in the Postal Department ;
- (e) whether Government propose to take any steps in the direction of giving relief in this behalf to their employees as set out in parts (c) and (d) above ;
- (f) whether the employees are paid overtime allowances and if so, how much, if not, why not ; and
- (g) whether the Department provides proper accommodation for the staff in Delhi ?

**The Honourable Mr. A. G. Clow :** (a) I have seen the extract sent by the Honourable Member.

(b) No, the matter is one within the competence of the Postmaster-General, Punjab and North-West Frontier Circle, to whom the Delhi Provincial Postal and Railway Mail Service Union can make representations through the proper channel.

(c) The stationary staff of the Railway Mail Service are granted such relaxation as may be practicable on Sundays and other holidays. The travelling staff of the Railway Mail Service have their hours of duty fixed on a weekly basis which does not ordinarily exceed thirty-six hours per week.

(d) Yes.

(e) Does not arise in view of the reply given to parts (c) and (d).

(f) Overtime allowances are paid in certain branches of the Department under certain conditions. I am afraid it is impossible within the compass of a reply to a question to mention the different types of allowances paid, the conditions under which they are paid and the amounts paid.

(g) On the assumption that the Honourable Member is referring to house accommodation, the position is that a small percentage of the employees are provided with quarters and a number of the others get house rent allowances.

**Mr. S. Satyamurti :** With reference to the answer to clause (b) of the question, may I know, if Government have examined this question since the receipt of my question, and if they have not done so, the reasons why they have not ?

**The Honourable Mr. A. G. Clow :** Because this is a matter in which the Union, if it wishes to take it up, should address the Postmaster General.

**Mr. S. Satyamurti :** I want to know, apart from the representation of the Union, since an Honourable Member of this House has put a question, whether the Government have examined the adequacy or otherwise of the staff in an office very near here.

**The Honourable Mr. A. G. Clow :** No, because I have no reason to believe that it is inadequate.

**Mr. S. Satyamurti :** Are Government satisfied that it is adequate ?

**The Honourable Mr. A. G. Clow :** We do not normally examine the adequacy of staff unless we have a substantial reason for believing that the reverse is the case.

**Mr. S. Satyamurti :** With reference to clause (c), I should like to follow my Honourable friend's answer, but I am afraid I was not able to get the significance of it : may I know if it is a fact categorically that the staff of the railway mail office get one weekly holiday ?

**The Honourable Mr. A. G. Clow :** The position is as I have explained it. I am perfectly willing to read the answer again, but I cannot expand it.

**Mr. S. Satyamurti :** Can my friend put it in less obscure words ?

**The Honourable Mr. A. G. Clow :** No : it is quite clear.

**Mr. S. Satyamurti :** Do they get a weekly holiday ?

**The Honourable Mr. A. G. Clow :** I have explained that the stationary staff are granted such relaxation as may be practicable on Sundays and other holidays : that does not mean that they get it. I have already said that the travelling staff have their hours of duty fixed on a weekly basis.

**Mr. S. Satyamurti :** What is the maximum period of relaxation granted to this staff on Sundays and other holidays ?

**The Honourable Mr. A. G. Clow :** I have not got any particulars, but I should imagine they vary.

**Prof. N. G. Ranga :** Do they or do they not get 24 hours continuous rest in a week ?

**The Honourable Mr. A. G. Clow :** That is not always possible.

**Mr. S. Satyamurti :** With reference to the answer to clause (f), may I know, apart from the details which my Honourable friend says he does not have, whether Government are satisfied that for all overtime work these people are paid adequate overtime allowances ?

**The Honourable Mr. A. G. Clow :** I do not think overtime is always paid. I said it is paid in certain branches and under certain conditions.

**Mr. S. Satyamurti :** Does that mean that some people work overtime without any payment ?

**The Honourable Mr. A. G. Clow :** Yes : I do.

**Mr. S. Satyamurti :** But you get Rs. 6,000 a month and more ?

**Mr. K. Santhanam :** With reference to the answer to part (c), may I know whether these people working overtime get any compensation by way of leave during the end of the year or otherwise ?

**The Honourable Mr. A. G. Clow :** I do not think so.

**Prof. N. G. Ranga :** Will Government consider the advisability of seeing that these people get 24 hours continuous rest at least once a week or give them some compensation in the way of accumulated leave with pay towards the end of the year ?

**The Honourable Mr. A. G. Clow :** I think that is a suggestion for action rather than a request for information.

**Prof. N. G. Ranga :** Yes : but will they consider it ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### FUNCTIONS OF THE AUDIT ON RAILWAYS.

386. **\*Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) with reference to paragraphs 50 to 52 of the Wedgwood Report regarding proper function of audit, the stage at which the examination of the matter in consultation with the Auditor General stands ;
- (b) whether Government propose to make any changes in the functions of the audit before the introduction of the Federal Railway authority ; and
- (c) if so, why ?

**The Honourable Mr. A. G. Clow :** (a) The Honourable Member is apparently referring to pages 50—52 and not paragraphs 50—52 of the Report of the Railway Enquiry Committee. The aspect of this matter that is under examination in consultation with the Auditor-General, whose views are awaited, is the possibility of any economy, in the light of the Committee's observation that railway audit is expensive.

(b) Government have no such proposals under consideration.

(c) Does not arise.

**Mr. S. Satyamurti :** May I take it, with reference to the answer to clause (a) of the question, that the only point of view from which this question is being examined is the point of view of expense ?

**The Honourable Mr. A. G. Clow :** I believe that is the case.

**Mr. S. Satyamurti :** May I take it, therefore, that the Government are not thinking of limiting the functions of audit, in order to give more freedom to railway spending departments ?

**The Honourable Mr. A. G. Clow :** I would refer the Honourable Member to answer I gave to part (b) of the question.

**Mr. S. Satyamurti :** I want you to be clear about it. My question is somewhat ambiguous. Does the answer refer to the fact that no changes will be made before the introduction of the Federal Railway Authority, or does it mean that the Government do not propose to make any changes in the functions of the audit at any time ?

**The Honourable Mr. A. G. Clow :** I can only speak of the position as it is at present, and my answer is that we have no such proposal under consideration at present.

**Mr. S. Satyamurti :** May I take it that you have no proposals to introduce any changes in the functions of audit ?

**The Honourable Mr. A. G. Clow :** There is no such proposal under consideration.

**Mr. Manu Subedar :** With reference to the answer to part (a) of the question, may I know if the Government have taken a decision on the matter after consultation with the Auditor-General, and do they propose to act on such decision without bringing the matter before this House ?

**The Honourable Mr. A. G. Clow :** I have said that the matter is under consideration and the Auditor-General's views are awaited.

**Mr. Manu Subedar :** My question was whether a decision has been taken as to whether this question will be brought before this House or not ?

**The Honourable Mr. A. G. Clow :** No decision has been reached ; the matter is under consideration.

**Mr. S. Satyamurti :** I want to get an answer to my question, Sir. May I know whether Government propose to consult this House after they come to any decision, before implementing it by means of an order of the Government ?

**The Honourable Mr. A. G. Clow :** That question has not been considered, Sir.

#### IMPORTATION OF NON-INDIAN SUPERVISORY STAFF FOR THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.

387. **\*Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) the reasons why the Railway Board have come to the conclusion that for some time to come it is necessary to import a limited number of supervisory staff for the mechanical workshops of State-managed Railways ;
- (b) whether they propose to import during the next year or two any such non-Indian staff ;
- (c) if so, whether the terms of recruitment will be for a limited period, say of five years, on contract with a condition attached that such supervisory staff shall train Indians to take their place within that period ; and
- (d) if not, why not ?

**The Honourable Mr. A. G. Clow :** (a) I would refer the Honourable Member to paragraph 50 of the Report of the Indian Railway Enquiry Committee (1937) and the Railway Board's comments thereon in the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in Chapters III-XI of that Report. Copies of these documents are in the Library of the House.

(b) It is difficult to give a forecast of what will happen in the future, but Government have so far asked the High Commissioner for India to recruit eleven men from England for certain senior subordinate posts in the mechanical workshops of the North Western Railway.

(c) The men referred to in (b) above will be recruited initially for a period of three years with a prospect of continuous employment thereafter, if found satisfactory. The agreements of such employees require that they will do their best to instruct the workmen and others who may be placed under them or may be working with them.

(d) Does not arise.

**Mr. S. Satyamurti :** With reference to the answer to clause (b) of the question, may I know the reasons compendiously as to why the Railway Board and the Government have come to the conclusion that they should import some men from outside for the mechanical workshops of all State-managed Railways ?

**The Honourable Mr. A. G. Clow :** They felt it necessary to secure efficiency in the workshops having regard to an abnormally heavy number of casualties in the last few years.

**Mr. S. Satyamurti :** May I know, Sir, whether Government in coming to that conclusion considered the views of the Public Accounts Committee and the opinions expressed in the House, and also the undertaking given by the then Railway Member, Sir Sultan Ahmad, that as far as possible importation of outside staff will not be resorted to ?

**The Honourable Mr. A. G. Clow :** The matter was most carefully considered.

**Mr. S. Satyamurti :** With reference to clause (c) of the question,—I followed my Honourable friend's answer very carefully, but I find no condition mentioned there. My question was whether a condition is attached that such supervisory staff shall train Indians to take their place in due course, and my Honourable friend said that workmen will be trained. I want to know whether the supervisory staff which will be imported will train Indians to take their place in due course of time.

**The Honourable Mr. A. G. Clow :** I think they will endeavour to do so. There are always men being trained up.

**Mr. S. Satyamurti :** I am asking specifically, apart from general expectations that everything will be all right, whether as a part of the conditions of the service of these gentlemen, the requisite quality of Indian personnel will be placed under their charge, with a view specifically to their being trained so that they may take the places of these imported gentlemen in due course of time ?

**The Honourable Mr. A. G. Clow :** I have not got a copy of the agreement in front of me, and I am afraid I cannot expand what I have said already.

**Mr. S. Satyamurti :** Will Government consider the question when employing outsiders that a condition is attached to their employment that they shall train Indians ?

**The Honourable Mr. A. G. Clow :** Certainly, the training of Indians should receive their consideration.

**Mr. Manu Subedar :** May I know, Sir, whether any attempt was made, before deciding on the importation of these eleven men, to secure Indians of the requisite qualifications in India through the Public Service Commission ?

**The Honourable Mr. A. G. Clow :** No, Sir ; these are subordinate posts and we do not go to the Public Service Commission for such purposes.

**Mr. T. S. Avinashilingam Chettiar :** With reference to clause (c), Sir, the question is sufficiently clear because it asks whether there is a condition in the contract that such supervisory staff shall train Indians to take their place in due course, and the Honourable Member says he has not got the contract before him. He has had sufficient notice of this question, and he ought to have come prepared with a full reply. I want you to order, Sir.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not asking a question.

**Mr. S. Satyamurti :** The point is, when I put the question, the contract ought to be before him.

**The Honourable Mr. A. G. Clow :** From a perusal of my answer it will be seen that I gave the relevant substance.

**Mr. S. Satyamurti :** I wanted specifically to know whether the terms of recruitment will be for a limited period on contract with a condition attached that they will train the Indian staff, and my friend says he has not got the contract before him.

**The Honourable Mr. A. G. Clow :** That was in reply to a supplementary question. In reply to the original question I said that the agreements of such employees require that they will do their best to instruct the workmen and others who may be placed under them or may be working with them.

**Mr. S. Satyamurti :** The supplementary question was based on the words of the original question, and I want to put a new....

**Mr. President** (The Honourable Sir Abdur Rahim) : I do not know what the Honourable Member wants. Yesterday I gave a ruling and I cannot regulate the answers given by the Government.

**Mr. S. Satyamurti :** May I make a submission, Sir ? This is not the House of Commons, and the procedure of the House of Commons was not followed by you when I moved a dilatory motion on the Honourable Mr. Ogilvie's Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : This has been the practice in this House also from the very beginning. Sir Frederick Whyte laid it down that he was not responsible for any answer that the Government gave.

#### RENTS CHARGED FROM CATERING LICENSEES ON RAILWAYS.

388. **\*Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) whether economic rents are charged from catering licensees for the occupation of the premises by them at all railway stations on State and Company Railways ;
- (b) whether any distinction is observed between what are called European and Indian refreshment rooms and if so why ;

(c) whether Government propose to accept the recommendation of the Wedgwood Committee to charge economic rents from all these licensees ; and

(d) if not, why not ?

**The Honourable Mr. A. G. Clow :** (a) The practice in regard to rents is not uniform. In some cases, no rent is charged : in others, the rent varies between a nominal sum and a figure which may approximate to what might be considered an economic rent for the accommodation provided.

(b) No.

(c) and (d). The matter is under consideration.

**Mr. S. Satyamurti :** With reference to the answer to part (b) of the question, has my friend made inquiries from the S. I. Railway and the M. S. M. Railway and satisfied himself that Messrs. Spencer and Co. are not charged anything except a nominal rent for the occupation of the rooms on the platforms for their refreshment rooms, while Indian refreshment rooms have to pay economic rents ?

**The Honourable Mr. A. G. Clow :** No, Sir, I have not made specific inquiries from these Railways.

**Mr. S. Satyamurti :** May I know, Sir, on what basis does he then say that no distinction is made in regard to the rents charged to European refreshment rooms and Indian refreshment rooms, and if there is any such distinction, why is it there ?

**The Honourable Mr. A. G. Clow :** If a distinction exists, I do not suppose it is on racial grounds.

**Mr. S. Satyamurti :** I am not talking of distinctions on racial grounds, for anybody can get into the Spencer's refreshment rooms if he pays. - I am asking with reference to the well-known phraseology in railway parlance, whether he has made inquiries if any distinction is made between what are called European and Indian Refreshment Rooms in regard to the rents charged, if not, may I know on what basis he has given the answer ?

**The Honourable Mr. A. G. Clow :** My answer was that the practice in regard to rents is not uniform. In some cases, no rent is charged ; in others there is a varying amount of rent, and the variations, so far as I know, are not based on a distinction between the character of the rooms.

**Mr. S. Satyamurti :** Will my friend make inquiries with regard to the two Railways I have mentioned whether European refreshment rooms are charged only nominal rents ?

**The Honourable Mr. A. G. Clow :** I have already assured my Honourable friend that the question of charging economic rents in all cases is under consideration.

**Mr. T. S. Avinashilingam Chettiar :** When do Government expect to come to a decision ?

**The Honourable Mr. A. G. Clow :** I cannot say.

**Qazi Muhammad Ahmad Kazmi :** What has been the practice till now ? Is it not a fact that European refreshment rooms are charged only a nominal rent ?

**The Honourable Mr. A. G. Clow :** I believe in the main that has been the case.

**Mr. Lalchand Navalrai :** May I know, Sir, if the Honourable Member is aware of the fact that the N. W. Railway had charged certain rents on refreshment rooms and stalls and they were objected to in the last Session ? Has that matter received consideration since the question was last put ?

**The Honourable Mr. A. G. Clow :** Do you mean the assessment on the refreshment rooms ?

**Mr. Lalchand Navalrai :** The rents were assessed at certain stations, at some stations they were charging so much, and at some other stations they were charging a different rate, and there was a difference in the rents charged to European and Indian refreshment rooms. That question was raised before the last Assembly, and the answer was given that the matter would be considered. I want to know now whether that question has been considered or not ?

**The Honourable Mr. A. G. Clow :** The whole question of charging economic rents in all cases is under consideration, and if that policy were adopted, then all distinctions, whether between European and Indian refreshment rooms and all others, will disappear.

#### FACILITIES FOR POSTING LETTERS AT KARACHI WITHOUT LATE FEE.

389. **\*Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Communications be pleased to state if his attention has been drawn to a representation made by the mercantile community of Karachi to the Director General of Posts and Telegraphs requesting him to fix the last clearance hours without late fee at the General Post Office, Karachi, at one hour in advance of the departure of the train ? If so, what action have Government taken to meet the demand ?

(b) Is it a fact that at places like Lahore and Delhi, etc., letters can be posted at the mail sorting offices, without any late fee, about 40 minutes in advance of the departure time of the train ? If so, why is this arrangement not possible at Karachi ? Is it a fact that the General Post Office where the sorting of letters is done, is situated only at a distance of two minutes by motor from the Karachi City Railway Station ?

(c) Does the Honourable Member propose to provide the required facilities of posting letters at Karachi without late fee ? If not, why not ?

**The Honourable Mr. A. G. Clow :** (a) No such representation has been received by the Director-General, Posts and Telegraphs, but the matter was the subject of discussion between the Director of Posts and Telegraphs, Sind and Baluchistan, and certain commercial organisations. The latter part of the question does not arise.

(b) The interval between the latest hours of posting, without date fee at mail sorting offices situated at railway stations, and the departure of the mail trains varies at different places according to local circum-



stances, and is not always about 40 minutes in advance of the departure time of the train. Such an arrangement cannot conveniently be made at Karachi General Post Office which is not situated on the railway station and where the local circumstances differ from those of the mail sorting offices at Lahore, Delhi, etc. As regards the last part of the question I am told that the Head Post Office is at a distance of about five minutes by motor from the Karachi City railway station.

(c) No ; because the Director has already made such adjustments as are reasonably possible to meet the convenience of the mercantile community.

**Mr. Lalchand Navalrai :** Did not the Director state that he would make the late payment fee time later than what is being done at present ?

**The Honourable Mr. A. G. Clow :** He made some adjustments to meet the convenience of the commercial community in Karachi.

#### ALTERATION IN THE DATES OF BIRTH OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

390. **\*Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether in response to Mr. (now Sir) P. R. Rau's reply to my starred question No. 308, given on the 18th February, 1935, the Agent, North Western Railway, issued certain instructions as to the documents which an employee may produce in support of his request for alteration of birth dates as recorded in the Railway records ?

(b) Is it a fact that school certificate was considered as one of the sufficient proofs for such an alteration ?

(c) Is it a fact that the Deputy Agent, North Western Railway in his notification No. 109, published in the North Western Railway Gazette, No. 24, dated the 3rd December, 1937, has ruled that those employees who have not passed the matriculation examination of any University, can produce a certificate of the school last attended by them, recording their date of birth ?

(d) Is it a fact that, in spite of all these regulations, the North Western Railway Agency insist on production of school certificates by an employee who requests for alteration of the birth date, from two or three schools and not from the school last attended ?

(e) Are Government aware that employees' applications for alteration of birth dates are rejected on grounds, such as, that the employee had declared himself over age at the time of appointment which was below 18 years then ?

(f) Is it a fact that prior to the 1st April, 1926, no restriction was placed on employees recruited to other than Signallers' Branch in regard to the age at appointment being above 18 ? If so, is it a fact that employees are threatened with disciplinary action for showing themselves over age at the time of appointment ?

**The Honourable Mr. A. G. Clow :** (a) to (c). Yes.

(d) No, except in doubtful cases.

(e) Yes, because the Administration considered that the employee had gained a material advantage in securing employment by giving a wrong date of birth, and the alteration of the date would have increased the advantage.

(f) I understand that an age limit restriction did exist prior to 1st April, 1926, for appointment to certain categories of staff. But the deliberate misdeclaration of age with a view to securing appointment warrants disciplinary action whether there is such a limit or not.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member what is the necessity of asking them to produce certificates from several schools ?

**The Honourable Mr. A. G. Clow :** I was not aware that they did ask for certificates from several schools.

**Mr. Lalchand Navalrai :** That is my question. Instead of asking for the certificate from the last school the candidate had been asked to produce the certificates of several schools in which he had read. Will the Honourable Member make enquiries and instruct that the certificate from the last school in which he read should be sufficient ?

**The Honourable Mr. A. G. Clow :** No. The certificate from the last school may be incorrect and there is a greater likelihood of arriving at the truth by comparing the certificates from the previous schools with that given by the last school.

**Mr. Lalchand Navalrai :** Will the Honourable Member make enquiries and see that some adjustment is made in that direction ?

**The Honourable Mr. A. G. Clow :** I have given the Honourable Member the reason for it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### CONDONATION IN BREAKS OF SERVICE CAUSED DURING THE STRIKE ON THE NORTH WESTERN RAILWAY.

391. **\*Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways please state the rules or orders in force for condonation of breaks in service caused during the 1925. strike on the North Western Railway ?

(b) Is it a fact that the officers authorised to condone such breaks, insist upon the employees concerned producing some evidence to show that they did offer themselves for service but were not taken up ?

(c) Is it a fact that strikers offered themselves in large numbers and in several cases verbal orders were given that there were no vacancies then and the candidates would be taken up on occurrence of vacancies ?

(d) Do Government propose to issue instructions to condone such breaks in service of illiterate employees on the North Western Railway, which the officers are authorized to do, without insisting on any documentary proof ? If not, what other instructions do Government propose to issue to remove the hardship experienced by illiterate strikers of 1925, on the North Western Railway in the matter of condonation of breaks in service caused by the strike ? If not, why not ?

**The Honourable Mr. A. G. Clow :** (a) The Honourable Member's attention is invited to rule 16 of Part II of the State Railway Provident Fund and Gratuity Rules, a copy of which will be found in the Library of the House. Since April, 1935, General Managers possess the power to condone a break which is not due to a strike declared illegal under any law.

(b) and (c). Information is being collected.

(d) Government will consider the matter when the information referred to in my reply to parts (b) and (c) has been received.

#### PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

392. **\*Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state the number of grade I, II, III and IV guards posts on the North Western Railway on 1st March, 1938, or any nearer convenient date for which information is readily available ?

(b) When was the last promotion from grade II to grade III posts made on the North Western Railway, and how many men were promoted ?

(c) Are there any vacancies of grade III guards posts to which promotion is to be made ? If so, when ? If not, why not ? Do Government propose to reduce still further the grade III guards sanctions on the North Western Railway ? If so, what is the final sanction fixed ?

(d) Is the Honourable Member aware that great discontent prevails among grade II guards on the North Western Railway, owing to continued abolition of grade III and IV posts ? What steps do Government propose to take to alleviate the hardship and to redress grievances ? If none, why not ?

**The Honourable Mr. A. G. Clow :** (a) and (b). The information is being collected and will be laid on the table in due course.

(c) The sanction to the number of guards of various grades rests with the General Manager and Government have, in consequence, no proposals, affecting these grades and no particulars regarding vacancies. The last part of the question does not arise.

(d) The answer to the first part is in the negative ; the other parts do not arise.

**Mr. Lalchand Navalrai :** With reference to the answer to part (c) of the question, is the Honourable Member in a position to tell me if there are any vacancies in Grade III guards to which Grade II guards could be raised ?

**The Honourable Mr. A. G. Clow :** No, I am not in that position.

#### RESOLUTIONS PASSED AT THE MEETING OF THE EXTRA-DEPARTMENTAL POSTAL AND RAILWAY MAIL SERVICE UNION HELD AT SILCHAR.

393. **\*Mr. Abdur Rasheed Chaudhury :** (a) Will the Honourable Member for Communications please state whether his attention has been drawn to the resolution passed at the meeting of the Extra-Depart-

mental Postal and Railway Mail Service Union held at Silchar on the 22nd May, 1938 ?

(b) Is it a fact that none of the men of the Extra-Departmental Postal Service is promoted to Departmental Postal Service ?

(c) Is it a fact that men of the Extra-Departmental Postal Service are required to provide and maintain an office at their own expense, and that they have to provide watch for Government money also at their own expense ?

**The Honourable Mr. A. G. Clow :** (a) Government have seen a copy of the resolution.

(b) Yes.

(c) This is usually the case, but as the postal work is done in the houses or shops of the agents themselves no extra expense on this account is normally involved.

**Mr. Abdur Rasheed Chaudhury :** Do Government contemplate changing their decision with regard to (b) ? The Honourable Member said, Yes. I want to know whether they contemplate changing their decision.

**The Honourable Mr. A. G. Clow :** No.

**Prof. N. G. Ranga :** Is there any rule prohibiting men of the extra-departmental postal service from being taken on into the ordinary service ?

**The Honourable Mr. A. G. Clow :** I do not think there is any specific rule, but as I have explained in reply to an earlier question in the House, their age is not normally such that they are eligible.

**Mr. Abdur Rasheed Chaudhury :** Even though there may be very efficient men in the extra-departmental service they will not be taken into the department ?

**The Honourable Mr. A. G. Clow :** Certainly not if they are not eligible.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### PAY AND LEAVE OF THE EXTRA-DEPARTMENTAL POSTAL SERVICE MEN.

394. **\*Mr. Abdur Rasheed Chaudhury :** (a) Will the Honourable Member for Communications please state whether it is a fact that in many post offices the postmen get a much higher pay than the Sub-Post Master of the Extra-Departmental Postal Service with the result that the latter cannot keep control over the former ?

(b) Is it a fact that the Extra-Departmental Postal Service men are not allowed casual and other leave like Departmental Postal Services men ? If so, why not ?

**The Honourable Mr. A. G. Clow :** (a) In some cases it may happen that a postman receives more than an extra-departmental sub-post-master, but I am not prepared to endorse the conclusion which is sought to be drawn from this.

(b) Yes ; because they are not whole-time servants of Government.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether they will be given any preference in the regular service ?

**The Honourable Mr. A. G. Clow :** No, I do not think so.

**Pandit Lakshmi Kanta Maitra :** Do these extra-departmental officers get medical leave with pay ?

**The Honourable Mr. A. G. Clow :** There is no question of leave. They are not whole-time Government servants.

**Pandit Lakshmi Kanta Maitra :** During the period of illness, when they cannot work, what is the position ?

**The Honourable Mr. A. G. Clow :** I think they provide substitutes.

**Mr. Badri Dutt Pande :** Are these extra-departmental postmasters a sort of contractors ?

**The Honourable Mr. A. G. Clow :** I would not say they are contractors. They are gentlemen who normally, in addition to some other occupation or means of livelihood, undertake a certain amount of postal work.

**Mr. M. Thirumala Rao :** Is it the rule that retired and superannuated people only should be taken into this extra-departmental service ?

**The Honourable Mr. A. G. Clow :** It is not the rule, but there are some retired postal officials doing this duty.

**Mr. T. S. Avinashilingam Chettiar :** With reference to the answer to clause (c), do they get consolidated allowances, or separate allowances are given to maintain the offices ?

**The Honourable Mr. A. G. Clow :** I cannot find (c) in this question.

**Mr. T. S. Avinashilingam Chettiar :** Is it not question No. 393 ?

**The Honourable Mr. A. G. Clow :** No. We are now on question No. 394.

#### POSTS OF DRIVERS HELD IN ABEYANCE ON THE NORTH WESTERN RAILWAY.

395. **\*Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state what action has so far been taken by the North Western Railway Administration, *vide* my question No. 900, of the 29th September, 1937, in releasing those 33 vacancies, which were wrongly held in abeyance (some in 1934, and the rest in 1936) to allow automatic promotion to grade IV Loco Running Staff ?

(b) If no action has so far been taken, will Government be pleased to state if they have any intention of taking any action against the North Western Railway Administration, for the treatment meted out to Loco Running Staff, grade III, who are mostly Indians ?

(c) Are Government aware of the fact that the vacancies which are now occurring are also not being filled in, by the rightful claimants of grade III Loco Running Staff ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reasons for not doing so ?

**The Honourable Mr. A. G. Clow :** (a) Government have no particulars and are not satisfied that any wrongful action has been taken.

(b) The answer is in the negative.

(c) No.

(d) Does not arise.

#### HARDSHIPS OF INDIAN DRIVERS ON THE NORTH WESTERN RAILWAY.

396. **\*Mr. Sham Lal :** (a) Will the Honourable the Railway Member please state whether it is a fact that Europeans and Anglo-Indians in grade IV Loco. Running Staff, on the North Western Railway who joined the Railway much later than their Indian colleagues in grade III, are now driving mail and express trains, whereas the latter are working as Firemen with them ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how much more time the North Western Railway Administration will take to relieve these poor educated Indians of their hardships and give them their legitimate rights ?

**The Honourable Mr. A. G. Clow :** (a) and (b). Government have no information, but I am sending a copy of the question to the General Manager, North Western Railway, to examine the allegations of discrimination made in the question and to take whatever steps may be necessary to give effect to the policy of the Government in the matter.

#### POSTS OF DRIVERS HELD IN ABEYANCE ON THE NORTH WESTERN RAILWAY.

397. **\*Mr. Sham Lal :** (a) Will the Honourable the Railway Member please state whether Government are aware that a definite assurance was given by the Agent, North Western Railway, *vide* letter No. 755E/157-11, dated the 7th November, 1934, that the posts of Drivers, grade III held in abeyance will be correspondingly revived on the occurrence of vacancies in the post of Drivers, grade IV ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action is being taken by the North Western Railway Administration in view of the above cited letter ?

**The Honourable Mr. A. G. Clow :** (a) I am not aware of this assurance.

(b) Does not arise.

#### OPENING OF A POST OFFICE AT VILLAGE BARAULI IN MUTTRA DISTRICT.

398. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Communications please state :

(a) if it is intended to open a branch post office at village Barauli, post office Baldeo, District Muttra, United Provinces ; and

(b) if so, when ; if not, why not ?

**The Honourable Mr. A. G. Clow :** With your permission, Sir, I will reply to questions Nos. 398 and 399 together.

Government have no information. The matter is within the competence of the Postmaster-General, United Provinces Circle, to whom a copy of the questions has been sent for such action as he may consider suitable.

OPENING OF A POST OFFICE AT VILLAGE BARAULI IN MUTTRA DISTRICT.

†399. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways and Communications please state if Government are aware :

- (a) that the circle of the postman of the Baldeo post office in Muttra District, United Provinces, is very long ;
- (b) that Sahat is sixteen miles from Baldeo ; and
- (c) whether he is aware that Barauli has a population of three thousand, with a village panchayat and primary school and that it is a central village ;
- (d) if so, whether Government are prepared to open a branch post office there ; and
- (e) if the answer to part (a) be in the negative, whether Government are prepared to enquire and then state if they are prepared to open a post office at Barauli ?

REDUCTION IN RAILWAY FREIGHT ON COTTON FROM THE PUNJAB TO CAWNPORE.

400. **\*Mr. Manu Subedar :** (a) Will the Honourable Member for Railways be pleased to state under what circumstances and on whose representation was a reduction in railway freight on cotton from the Punjab to Cawnpore given upto this month ?

(b) For how long has this concession continued and what is the nature of the concession ?

(c) How much additional traffic of cotton has been secured by the railways through this concession ?

(d) Is it proposed to continue the concession at the same rate, or greater rate ?

(e) Is this concession confined to large merchants and denied to small merchants ? If so, why ?

**The Honourable Mr. A. G. Clow :** (a) A rebate of the freight charges on cotton despatched from certain stations in the Punjab to Cawnpore is being given, in order to bring back to the railway traffic that had been diverted to the roads and to prevent any further diversion.

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†For answer to this question, see answer to question No. 398.

(b) A rebate of 20 per cent. of the freight charges is being allowed from November, 1937, for consignments of cotton booked from stations in the Punjab north and east of Samasata to Cawnpore, subject to the following conditions :

- (i) that a minimum of 75,000 maunds is booked up to the 31st August, 1938 ;
- (ii) that no consignments are sent by any other means of transport ;
- (iii) that a previous agreement embodying the two points referred to above is made with the Railway.

(c) and (d). As the arrangement operates up to the end of this month, the Railways concerned will review the position and determine what, if any, further action is necessary in the light of the information then available. Such figures as have meantime been received are for the period from 1st September, 1937, to 30th April, 1938. These show that traffic by rail into Cawnpore from North Western Railway stations was about 1,070,000 maunds as against 680,000 maunds in the corresponding period of 1936-37, an increase of 390,000 maunds. Arrivals by road into Cawnpore during the same period were about 172,000 maunds more than in the previous year, but no information is available to show in what areas the traffic carried by road originated.

(e) The arrangement could be taken advantage of by any trader or group of traders willing to comply with the conditions to which reference is made in my reply to part (b). It was believed that the diversion of traffic to the road was substantial in the case of large consignors and there was no necessity, therefore, for a general reduction in rates applicable for all consignors. The arrangement was of an experimental nature, intended to test the possibility of retaining the traffic to the railway and of assisting the cotton trade.

**Mr. Manu Subedar :** May I inquire whether it is true that at a recent meeting between the Chief Commissioner for Railways and the merchants of Cawnpore a threat was given out to the railways that if they did not continue the concession or did not increase the concession the whole of the traffic which is going to Cawnpore from the Punjab will be diverted to the roads.

**The Honourable Mr. A. G. Clow :** There was a meeting between the Chief Commissioner and commercial representatives of Cawnpore and I believe something on those lines was said.

**Mr. Manu Subedar :** What is the attitude of the Government of India in view of such a threat ?

**The Honourable Mr. A. G. Clow :** The matter is under consideration. The attitude of the Government of India is that they want to get all the traffic for the railways that they legitimately can.

**Mr. Manu Subedar :** With regard to clause (e), may I enquire whether the minimum of 75 thousand maunds for each consignee is or is not discrimination in favour of the larger merchants and if that is discrimination, have Government considered doing away with this minimum requirement ?



**The Honourable Mr. A. G. Clow :** The Honourable Member must draw his own conclusion as to what constitutes discrimination or not but I would point out that smaller traders can combine and as I have already assured the House, the matter is under consideration at present.

**Mr. Manu Subedar :** Have Government received any representations from the smaller traders that they cannot take advantage of this concession even by combination ?

**The Honourable Mr. A. G. Clow :** I think there were some complaints on that score when the experiment was instituted.

**Prof. N. G. Ranga :** Is it any group of merchants that have been granted this concession ?

**The Honourable Mr. A. G. Clow :** I have no particulars of that.

**COTTON CARRIED BY ROAD FROM THE CENTRAL PROVINCES AND BERAR TO BOMBAY.**

401. **\*Mr. Manu Subedar :** (a) Will the Honourable Member for Railways please state if any estimate has been made of the volume of cotton carried to Bombay by road from the Central Provinces and Berar ?

(b) Have Government determined to meet this competition in order to retain this traffic for the railways ?

(c) What steps have they considered for this purpose, and when are they going to take such steps ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) and (c). The Great Indian Peninsula Railway Administration are investigating the position.

**Mr. Manu Subedar :** With regard to (a), have Government got any estimates which can be made available to the House ?

**The Honourable Mr. A. G. Clow :** I can give the Honourable Member some information on that. During the cotton season of 1937-38, the quantity carried by road from the Central Provinces and Berar to Bombay was estimated at 1,080 bales. In addition, during the same season, over 21,000 bales were booked on stations in the Central Provinces and Berar to Jalgaon in Khandesh and presumably transported afterwards by road to Bombay.

**Mr. Manu Subedar :** Will Government consider some adjustment of rates or the giving of facilities for shifting from godown to godown in order to meet with this competition and retain this traffic for Railways.

**The Honourable Mr. A. G. Clow :** I have said that the whole question is under the consideration of the railway administration concerned.

**Prof. N. G. Ranga :** Is it not a fact that this diversion from rail to road of cotton traffic to Bombay has increased ever since the refusal of the Railway Board to lower the freight rates on cotton transport ?

**The Honourable Mr. A. G. Clow :** That may be possible but I do not know when the refusal took place.

**Seth Govind Das :** Will Government reach a conclusion before the next cotton season commences ?

**The Honourable Mr. A. G. Clow :** I hope so.

CONTRACT FOR THE RUNNING OF BOOKSTALLS ON STATE RAILWAYS.

402. **\*Mr. Manu Subedar :** (a) Will the Honourable Member for Railways state whether the original document containing the terms for the running of bookstalls on the State Railway systems, which could not be found, has now been found ?

(b) If not, what are the terms on which this concession to Messrs. A. H. Wheeler and Company has been given ?

(c) What is the amount of supervision exercised by the railways ?

(d) How much transport, in connection with the movement of newspapers or books to them, is given either free, or at a concession rate ?

(e) In view of the high prices charged by this firm, are Government prepared to consider the advisability of inviting public tenders for this service from recognized bookselling firms in this country ?

(f) Are Messrs. A. H. Wheeler and Company allowed to expose advertising material and raise any revenue by the use of prominent location in the stations ?

**The Honourable Mr. A. G. Clow :** (a) I am not aware of any statement having been made suggesting that any document could not be found.

(b) I would refer the Honourable Member to the reply given to part (i) of Pandit Sri Krishna Dutta Paliwal's question No. 522 on the 19th September, 1935.

(c), (d) and (f). Agreements with the Company cover the points referred to by the Honourable Member. A copy of the agreement which the Company have with the North Western Railway Administration is in the Library of the House.

(e) I am not prepared to accept the statement in the first part of the question. Each of the State-managed Railways renewed some years back their contract with this Company after calling for tenders.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if Messrs. Wheeler and Co. are given free passes for going from one place to another on the railways ?

**The Honourable Mr. A. G. Clow :** I must ask for notice.

**Mr. S. Satyamurti :** With reference to clause (e) of the question, may I know whether, after tenders were invited, it was found that from Wheeler and Co.'s terms even after reductions were the lowest or the highest ?

**The Honourable Mr. A. G. Clow :** The matter was dealt with by the several railway administrations concerned.

**Mr. S. Satyamurti :** My Honourable friend said, that tenders were invited and some the railways raised the rates. I am asking for further elucidation as to whether the Railways got some more money from Wheelers as a result of the raised rates.

**The Honourable Mr. A. G. Clow :** I do not know whether they reduced the rates or not.

**Mr. S. Satyamurti :** What happened after the invitation of tenders ?

**The Honourable Mr. A. G. Clow :** The contracts were renewed.

**Mr. S. Satyamurti :** May I know whether the Government have satisfied themselves that Wheeler and Co., offered the most favourable terms to the railways ?

**The Honourable Mr. A. G. Clow :** I have not the particulars before me but I believe their offer was the best one.

**Mr. Manu Subedar :** May I know if all the railways called for tenders ?

**The Honourable Mr. A. G. Clow :** I think tenders were called by all the State-managed Railways.

CLASSIFICATION OF CERTAIN SUBORDINATE SUPERVISORY STAFF AS  
MECHANICALLY TRAINED HANDS ON THE EAST INDIAN RAILWAY.

403. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that some subordinate supervising staff who have no requisite qualifications of being technically trained, as referred to in Chief Mechanical Engineer, East Indian Railway's Minute Sheet No. M.E.-323/20 of the 24th July, 1937, have been classified as technically trained hands and have been given the benefits of higher grades ? If so, why ?

(b) If the answer to part (a) above be in the negative, will Government please state whether they are prepared to enquire whether some subordinate supervising staff of the Carriage and Wagon Workshops of the East Indian Railway, who have no requisite qualifications of being technically trained, as per Minute Sheet referred to in part (a), have been classified as such ?

**The Honourable Mr. A. G. Clow :** (a) The answer is in the negative.

(b) No. These are matters of detailed administration within the competence of the General Manager, East Indian Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

PROPOSAL TO CLOSE THE BRANCH LINE BETWEEN AGRA AND BAH.

404. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

(a) if it is intended to close the Agra-Bah branch line of the Great Indian Peninsula Railway ; if so, when ;

- (b) whether Government have received any representations against the closing of that line ;
- (c) what steps, if any, Government intend to take on those representations ; and
- (d) whether Government intend to try the experiment of reducing the fares for some time and increasing the number of stopping stations to suit the convenience of the general public ?

**The Honourable Mr. A. G. Clow :** (a) I would refer the Honourable Member to the reply I gave to Mr. Badri Dutt Pande's starred question No. 171 on the 12th August, 1938.

(b) Representations were received in November, 1936.

(c) The representations were considered before a decision was arrived at to close the line.

(d) Experiments of the kind referred to were made.

**Mr. Badri Dutt Pande :** What is the annual loss on this line ?

**The Honourable Mr. A. G. Clow :** Approximately half a lakh a year, irrespective of the interest on capital.

**Mr. T. S. Avinashilingam Chettiar :** What do they propose to do with the rails ?

**The Honourable Mr. A. G. Clow :** I do not know.

**Mr. T. S. Avinashilingam Chettiar :** Have the Government considered the possibility of running a lighter railway which will cost less ?

**The Honourable Mr. A. G. Clow :** I do not think that would be a financial proposition.

#### NON-GRANT OF LEAVE TO THE TRAFFIC STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

405. **\*Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that the traffic staff on the Bombay, Baroda and Central India Railway do not get leave when they want and need it ;
- (b) whether it is a fact that the relieving strength of the staff is ten per cent. ; and
- (c) whether the Railway intend to increase the relieving staff to cope with the sanctioned leave to staff, i.e., one month's privilege and ten days' casual leave in a calendar year to every individual, and transfers, suspensions and court attendance, etc. ? If not, why not ?

**The Honourable Mr. A. G. Clow :** I propose with your permission to answer questions Nos. 405, 407 and 408 together.

These relate to matters of detailed administration on which Government have no information. I may add for the information of the Honourable Member that the staff employed on this Railway are not Government servants but are the servants of the Bombay, Baroda and Central India Railway, which is Company-managed. I am, however, sending a copy of the question to the Agent and General Manager, for such action as he may consider necessary.

**NON-OBSERVATION OF THE HOURS OF EMPLOYMENT REGULATIONS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

406. \***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that the Bombay, Baroda and Central India Railway do not observe Employment Hours Regulation Act, 1930 ; if so, why not ;
- (b) if it is a fact that Kotah district staff has to be on duty for twelve hours continuously,
- (c) whether it is a fact that road-side Station Masters are not allowed one day rest in a week, and are not given even one day's privilege leave in a month for marketing purposes : if so, why not ; and
- (d) whether it is a fact that other Station Masters are given one day rest in a week ; if so, why ?

**The Honourable Mr. A. G. Clow :** Government have no reason for supposing that the Hours of Employment Regulations are being infringed on this railway, and unless there is an infringement of the regulations, the matters mentioned in parts (b), (c) and (d) of the question are the concern of the Agent and General Manager. Inquiries will, however, be made in respect of parts (b) and (c).

**REST TO STATION MASTERS ON THE AGRA-BIANA SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

†407. \***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

- (a) whether the Bombay, Baroda and Central India Railway allowed one day rest to Agra-Biana Section Station Masters ; and
- (b) the reason or reasons for stopping this facility after some time ?

**LEAVE WITHOUT PAY GRANTED TO THE MENIAL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

†408. \***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways please state :

- (a) if it is a fact that when menial staff on the Bombay, Baroda and Central India Railway is given leave without pay, the

substitutes are given Rs. 13 per mensem, while the full amount is deducted from the man on leave ; and

- (b) whether the Railway intend to discontinue this practice in the case of the poorly paid menial staff ?

(b) WRITTEN ANSWERS.

CONCESSIONS ALLOWED BY RAILWAYS DURING THE *Urs* OF KHAWJA SAHIB AT AJMER.

409. \*Mr. H. M. Abdullah : Will the Honourable the Railway Member be pleased to state :

- (a) the number of passengers carried by Railways to Ajmer on the occasion of the *Urs* of Khawja Sahib ;
- (b) the number of passengers who arrived at Ajmer during the period of the *Urs*, three days before and three days after ; and
- (c) whether the Railway allowed the same concession to passengers visiting the *Urs* at Ajmer, in the same manner and on the same conditions as issued to pilgrims to Hardwar ?

<b>The Honourable Mr. A. G. Clow :</b>	(a) 1933-34	..	63,860
	1934-35	..	72,700
	1935-36	..	73,980

Figures for later years are not available.

(b) The information is not available.

(c) The concessions are not identical.

CONTRACT FOR THE SUPPLY OF POWER TO THE GREAT INDIAN PENINSULA RAILWAY.

410. \*Mr. Manu Subedar : (a) With reference to the reply given by the Honourable Sir Thomas Stewart to starred question No. 1170 on 6th April, 1938, will the Honourable the Railway Member state the terms of the contract for the supply of power to the Great Indian Peninsula Railway by the Tata Group of Power Companies ?

(b) Have the minor details, which had to be settled, been settled now ?

(c) What is the rate at which power is being supplied to the Great Indian Peninsula Railway ?

**The Honourable Mr. A. G. Clow :** (a) and (b). The agreement has not yet been completed and, as stated by Sir Thomas Stewart, when Government has had an opportunity of seeing the contract in its full form, the advisability of laying a copy on the table of the House will be considered.

(c) Approximately 6 anna per unit.

#### XB ENGINES.

411. **\*Mr. Manu Subedar :** (a) Will the Honourable Member for Railways be pleased to state the name of the officer, who was deputed to the United Kingdom when the working drawings for the XB engines were prepared ?

(b) Will Government be pleased to state the prices for each contract for each engine together with the names of the firms, to whom orders were given for XB engines from the beginning up to date ?

**The Honourable Mr. A. G. Clow :** (a) Mr. A. Devon.

(b) In reply to starred question No. 29, asked by the Honourable Member on 8th August, I gave him the names of the firms and in reply to a supplementary question I undertook to secure the prices of each consignment. That information is now being collected and will be laid on the table in due course.

#### ESTABLISHMENT OF A BROADCASTING STATION IN ANDHRA.

412. **\*Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state whether he is aware that not one single Broadcasting Station is installed in any one of the eleven Andhra Districts ?

(b) Was there a proposal to instal one at Rajahmundry ? If so, why was it abandoned ?

(c) Is he prepared to consider the desirability of installing such a station at Bezwada, or Rajahmundry ?

(d) Was the Provincial Government of Madras consulted previous to the installation of Broadcasting Stations at Madras and Trichinopoly ?

**The Honourable Mr. A. G. Clow :** (a) Yes.

(b) Yes. It was not possible to provide a station at Rajamundry, in addition to two stations at Madras and one at Trichinopoly within the funds available.

(c) Yes, when funds are available.

(d) Yes.

#### INSPECTION OF THE VIZAGAPATAM PORT BY CERTAIN MILITARY OFFICERS.

413. **\*Mr. K. S. Gupta :** (a) Is the Honourable Member for Communications aware that four military officers inspected the port of Vizagapatam about the middle of June, 1938 ?

(b) If so, what was the object of such a visit or inspection ?

(c) Is there any proposal to convert the harbour of Vizagapatam into a naval harbour, or an air base, as a measure of the East Coast Defence ? If so, when will it be taken up ?

(d) What is the expense for such a visit ? Is it met from the General Revenues, or debited to Defence account ?

**The Honourable Mr. A. G. Clow :** The question should have been addressed to my Honourable friend, the Defence Secretary.

#### FINANCIAL CONDITION OF THE VIZAGAPATAM PORT.

414. **\*Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state whether the port of Vizagapatam is running at a loss ? If so, what is the deficit for the year 1937-38 ?

(b) Are there any measures in contemplation of the Government of India to improve the financial condition of the port of Vizagapatam ? If so, what are they ?

(c) Is there an enquiry made to see that a substantial reduction could be effected in the expenses to maintain the port of Vizagapatam ? If not, why not ? If so, when was the enquiry made and what are the results ?

(d) Is there a rapid reduction in the number of workers from time to time since the opening of the Harbour ? If so, why ?

(e) What was the number of workers in the following years :—1930, 1934, 1936, 1938 (*i.e.*, 1st April, 1938) ?

(f) Has there been an increase in the official and supervising staff since the opening of the Harbour from time to time ? If so, what is the necessity of such increases ?

(g) What was the number of officers and supervisors in the following years in the Port of Vizagapatam :—1930, 1934, 1936 and 1938 (*i.e.*, 1st April, 1938) ? How many of them are Europeans, Anglo-Indians and Indians ?

(h) Is there any memoranda submitted to the Honourable Member by the Union of the Harbour workers with regard to the rapid and unjust retrenchment of workers, while the supervising and official staff, mostly consisting of Anglo-Indians and Europeans, is on the increase from time to time ? If so, what action is proposed to be taken ?

**The Honourable Mr. A. G. Clow :** (a) The Port ran at a loss for several years but in 1937-38 there was a surplus of Rs. 31,671.

(b) In so far as the financial condition of the Port depends upon economy of administration, steps are being taken to secure it.

(c) The financial position of the Port was reviewed recently, and I do not think there is scope for substantial reduction in the ordinary working expenditure.

(d)—(g). The information is being obtained and will be placed on the table in due course.



(h) No. A letter was addressed by the President of the Vizagapatam Harbour and Port Workers' Union to my Honourable friend, the Commerce and Labour Member, in March, 1937. This contained as an enclosure a memorandum setting out the alleged grievances of the employees in the port, one of which related to retrenchment of staff. After investigation, it was decided that no action was necessary.

CERTAIN STAFF OF THE VIZAGAPATAM PORT.

415. **\*Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state how many pilots—Europeans, Anglo-Indians, and Indians are there in the service of the Port of Vizagapatam ?

(b) Is it a fact that a boat awaits at the quarters of the Pilot to fetch him whenever a ship is sighted ? How many times a week is each Pilot asked to pilot the ships ? What is the time taken by each Pilot to bring in the ship from the roads to the Harbour ?

(c) What was the average number of ships which called at the Harbour of Vizagapatam each month during the year 1937-38 ?

(d) Is it a fact that one of the Pilots is always on leave ?

(e) How many Engineers are there on the Dredger Vizagapatam ? What are their respective duties ?

(f) What is the necessity of a non-piloting Harbour Master ?

(g) Is there any necessity for an assistant to the Mechanical Superintendent, when the men under his supervision were reduced to 200 from 800 ? Is it a fact that chargemen, foremen and supervisors are on the increase when the work in the Harbour is on the decrease ?

(h) What is the strength of the workshop staff in the Port of Vizagapatam ? What is the salary of the European Foreman in the workshop, and of his two assistants who are Anglo-Indians ? What are the qualifications of the Foreman ? Does he get any special allowance to look after the smooth running of the cars of the European officers in the service of the Port of Vizagapatam ?

(i) How many Civil Engineers were employed for the purpose of the construction of the Harbour ? How many of them are there after the construction of the Harbour ? Why did not the administration abolish the post of one of the Civil Engineers employed for construction, when it was rendered vacant by the resignation of one of the original employees after the construction ?

(j) What was the volume of transport for the year 1937-38 in the Port of Vizagapatam ? Is it a fact that the Traffic Manager of the Port has an assistant ? What are the salaries of the Traffic Manager and his assistant ? Does the Traffic Manager get any additional pay by virtue of other duties ?

**The Honourable Mr. A. G. Clow :** (a), (b), (d), (e), (g) and (h). The information is being collected and will be laid on the table in due course.

(c) Between 28 and 29 per month.

(f) The Harbour Master is in charge of all the pilotage work at the Port and performs the duties of Dredging Superintendent.

(i) My information is that in October, 1933, when the construction of the Harbour was in progress, there were in the employment of the Port one Engineer-in-Chief, one Deputy Engineer-in-Chief, one Executive Engineer and four Assistant Engineers. The sanctioned strength at present is one Port Engineer, one Executive Engineer and one Assistant Engineer of which the last post is still vacant.

(j) The volume of trade handled at the port during the year 1937-38 was about 7,24,000 tons. The Traffic Manager of the Port has an Assistant. Their salaries respectively are Rs. 2,500 per mensem *plus* £13|6|8 sterling overseas pay, and Rs. 850 per mensem. I would mention that the permanent Traffic Manager also performs the duties of Deputy Administrative Officer and his pay has been fixed accordingly.

#### GRIEVANCES OF EMPLOYEES OF THE VIZAGAPATAM PORT.

416. **\*Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state when the memoranda of grievances was presented to the Administrative Officer, to his Deputy and to the Honourable Member, by the Harbour and Port Workers' Union of Vizagapatam ? What steps are taken or proposed to be taken to redress the grievances ?

(b) Is it a fact that the Union is not yet recognised ? If so, why is the recognition put off ?

(c) Are there any service conditions in operation, regulating the employment of the Vizagapatam Port employees ? If so, what are they ? If not, why not ?

**The Honourable Mr. A. G. Clow :** (a) The letter was received by the Honourable the Commerce Member on the 13th March, 1937. It was not sent through the other authorities mentioned, but another letter appears to have been sent to the Deputy Administrative Officer in December, 1936. Some of the points raised had already been settled, and on the rest no action was considered necessary.

(b) Yes ; because the Administrative Officer was not satisfied that the Union was representative and the Union refused to afford facilities for verification of the active membership.

(c) The information has been called for and will be laid on the table in due course.

#### COST OF BUILDING THE PATNA JUNCTION STATION.

417. **\*Babu Kailash Behari Lal :** (a) Will the Honourable Member in charge of Railways be pleased to state the estimated cost of building the Patna Junction Station, and how much money has been spent on it up till now ?

(b) Who is the contractor ?

(c) How is a contract for such a big work given ? If tenders are invited, who were the persons, or firms, who submitted tenders ?

**The Honourable Mr. A. G. Clow :** (a) The estimated cost of re-modelling Patna Junction Station is Rs. 3.14 lakhs. About Rs. 2.23 lakhs has been spent to the end of March, 1938.

(b) Udham Das.

(c) Tenders are invited. Enquiries are being made as to the other persons or firms who submitted tenders and a reply will be laid on the table in due course.

**BREACHES BETWEEN PARSARMA AND SUPAUL ON THE BENGAL AND NORTH WESTERN RAILWAY.**

418. **\*Babu Kailash Behari Lal :** (a) Will the Honourable Member in charge of Railways be pleased to state if it is a fact that this year also the Railway line between the Railway Stations of Parsarma and Supaul on the Bengal and North Western Railway has been breached on account of the flood water flowing over the line ?

(b) Has the Railway traffic been suspended due to flood water rising over the line abnormally ?

(c) If the answer to part (b) be in affirmative, what is the distance so affected ?

(d) Have the authorities made any investigation with a view to finding out some remedy for saving the line from being submerged under water ?

(e) Is it a fact that the authorities propose to raise the general level of the line that is submerged under water, and increase the number of openings for passing water from one side to the other ?

**The Honourable Mr. A. G. Clow :** (a) and (b). Yes.

(c) The distance affected is about three miles.

(d) and (e). I am calling for the information required and it will be placed on the table when it is received.

**REFUSAL TO GRANT A PASSPORT TO MAULVI ISMAIL GHAZNAVI OF AMRITSAR.**

419. **\*Khan Bahadur Shaikh Fazal-i-Haq Piracha :** (a) Will the Foreign Secretary please state for which reasons and under what circumstances passports are not granted to certain persons for going to Europe and other foreign countries ?

(b) Is it a fact that Maulvi Ismail Ghaznavi of Amritsar possessed a regular passport for Europe and Hedjaz, the term of which expired on the 10th October, 1937, and for the renewal of which he applied on the 9th October, 1937, to the Deputy Commissioner, Amritsar, who informed him that the passport could not be renewed under rules, and that he should apply for a fresh passport ?

(c) Is it a fact that Maulvi Ismail Ghaznavi accordingly applied for a fresh passport to the Deputy Commissioner, Amritsar, who wrote to him on the 16th March, 1938 : " that his application has been rejected and the passport cannot be granted " ?

(d) Will the Foreign Secretary please state if the application was rejected at the instance of the Government of India ? If so, why ?

**Sir Aubrey Metcalfe :** (a) Passports are normally granted except to applicants who are likely to become destitute abroad, or where there is reasonable ground for apprehending that an applicant's visit to any country would be dangerous.

(b) Yes.

(c) The information has been called for and will be laid on the table in due course.

(d) Yes. For the reasons for this action the Honourable Member is referred to the reply given to part (b) of Maulvi Syed Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933. Information in Government's possession indicates that there is no reason to believe that Maulvi Ismail Ghaznavi has modified his campaign of hostility towards the British Government, and that if he had been given the travel facilities for which he applied, he would have established undesirable and dangerous contacts abroad.

#### RUNNING TRAIN ROBBERIES COMMITTED AGAINST WOMEN ON THE BENGAL AND NORTH WESTERN RAILWAY AND EXPENDITURE ON RAILWAY POLICE.

420. **\*Maulvi Muhammad Abdul Ghani :** Will the Honourable Member for Railways be pleased to state :

- (a) the number of running train robberies committed against women in the reserved or unreserved compartments over the Bengal and North Western Railways during 1936, 1937 and 1938 ;
- (b) the steps taken by the said Railway Company and Government to stop such robberies in future ;
- (c) the amount of expenditure over the Railway Police on different Railways (State and Company-managed) ; and
- (d) whether the expenditure mentioned in part (c) is borne by the Government of India, or various Local Governments ?

**The Honourable Mr. A. G. Clow :** (a) Two in 1936 and one in 1937. Figures for 1938 are not at present available.

(b) I would refer the Honourable Member to the reply given to Mr. C. N. Muthuranga Mudaliar's starred question No. 25 on the 25th January, 1937.

(c) and (d). The Railway Police is divided into two categories, *viz.* ' Crime ' and ' Order '. The cost of the former, which is borne by the local civil authority, is not known : that of the latter, which is borne by Railways, approximates to Rs. 23 lakhs.

#### INDIANISATION OF THE FRONTIER IRREGULAR FORCES.

421. **\*Mr. Abdul Qaiyum :** (a) Will the Foreign Secretary please state whether the Frontier irregular force, *viz.*, Gilgit Scouts, Chitral Scouts, Kurram Militia, Tochi Scouts, South Waziristan Scouts, Zhob Militia and Makran Levy Corps, are entirely officered by non-Indians ?

(b) Has any Indian been ever appointed to any of the above-mentioned forces so far ? If not, what are the reasons for their exclusion ?

(c) What allowances are paid to the following in the above forces :

- (1) Lieutenant,
- (2) Captain,
- (3) Major,
- (4) Lieutenant-Colonel, and
- (5) Colonel ?

(d) Is the travelling allowance drawn by officers in the above Forces double the travelling allowance allowed to such officers in the Army ?

(e) Are Government prepared to take speedy steps to Indianise the Frontier Force ? If not, why not ?

**Sir Aubrey Metcalfe :** (a) Yes.

(b) No. Of the four Indians whose names have been received, three were not selected and the fourth was selected but subsequently refused the appointment.

(c) A statement showing the allowances paid to officers of the Frontier Corps is laid on the table.

(d) The officers draw travelling allowance at the rates admissible to other officers in civil employ.

(e) No. The most suitable candidates, British or Indian, will be accepted.

*Statement showing the Allowances paid to Officers of the Frontier Irregular Corps in addition to their emoluments in the Army.*

(i) Additional pay at rates varying from Rs. 125 p. m. to Rs. 550 p. m. according to the appointment held by the officer and not according to his rank.

(ii) Frontier Allowance at the following rates :—

						Per mensem.
						Rs.
2nd-Lieutenant	..	..	..	..	..	40
Lieutenant	..	..	..	..	..	45
Lieutenant after 7 years' service			..	..	..	50
Captain	..	..	..	..	..	60
Captain after 10 years' service			..	..	..	65
Captain after 15 years' service			..	..	..	75
Major	..	..	..	..	..	90
Major after 5 years' service	..		..	..	..	105
Lieutenant-Colonel		..	..	..	..	120

Officers of the rank of Colonel do not serve with any of the units of the Frontier Corps.

(iii) The officers if qualified in Pashtu draw a language allowance at the rate of Rs. 100 p. m. so long as their substantive pay does not amount to Rs. 1,500 a month.

### SHORT NOTICE QUESTIONS AND ANSWERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.  
12 NOON. Short Notice Questions.

#### RAILWAY ACCIDENT IN SOUTH INDIA.

**Seth Govind Das** : Will the Honourable Member for Railways please state :

- (a) whether he has received any detailed news regarding the serious train accident in South India on 21st August, 1938 ;
- (b) the number of casualties arising out of the accident ;
- (c) the causes that led to the accident ; and
- (d) the steps Government are taking to render relief to the injured ?

**Mr. M. Ananthasayanam Ayyangar** : I also have a short notice question, Sir, on the subject.

**The Honourable Mr. A. G. Clow** : It would be a convenience, Sir, if with your permission they could both be asked as they cover the same ground.

#### RAILWAY ACCIDENT IN SOUTH INDIA.

**Mr. M. Ananthasayanam Ayyangar** : (a) Will the Honourable Member for Railways be pleased to state if a serious railway accident occurred on the 21st August, 1938, on the Trichinopoly-Shencottah line of the South Indian Railway ?

- (b) What is the number of casualties—dead and injured ?
- (c) What was the cause of the accident ?

**The Honourable Mr. A. G. Clow** : Parts (a), (b), (c) and (d) of my answer refer to Seth Govind Das's question, and parts (a), (b) and (c) correspond to parts (a), (b) and (c) of Mr. Ananthasayanam Ayyangar's question.

(a) Government learned with deep regret that shortly after midnight on the morning of Sunday last, the 11 Down Shencottah passenger train was derailed. The accident occurred in mile 255 between Ayyalur and Vadamadura on the Trichinopoly-Madura section. The engine and four bogie vehicles capsized.

(b) The latest information I have is that 31 persons have been killed and about 115 injured.

(c) The accident is reported to have been due to the railway line having been washed away, consequent on a sudden cloudburst.

(d) I understand that all slightly injured persons were taken to the Government Hospital at Dindigul by bus and those seriously injured by special train to the Government Hospital at Madura. The local Medical Officer at Dindigul and the Railway's Principal Medical Officer rendered medical aid.

**Seth Govind Das :** In view of the fact that third class bogies are always overcrowded and are always put in the front of every train, and because at the time of these accidents most of the casualties are amongst third class passengers, will Government think it advisable to put these third class bogies at the back of the train ?

**The Honourable Mr. A. G. Clow :** But obviously you have not enough room at the rear and some of the bogies must be at the front.

**Mr. K. Santhanam :** May I know whether Government propose to order a public inquiry into this matter ?

**The Honourable Mr. A. G. Clow :** An inquiry will certainly be made by the Senior Government Inspector of Railways.

**Mr. S. Satyamurti :** May I know what are the causes of the accident, has an inquiry already been set on foot, and do the Government propose to order a judicial inquiry as they did in the case of the Bhita disaster ?

**The Honourable Mr. A. G. Clow :** The Honourable Member is asking me precisely the question which I declined to accept at short notice.

**Mr. S. Satyamurti :** But, I am entitled to ask it by way of a supplementary question.

**The Honourable Mr. A. G. Clow :** It is quite impossible to arrive at a decision on a question like that at this juncture.

**Mr. S. Satyamurti :** Have Government conveyed their sympathy to the victims of the disaster—those who have been injured as also the relatives of the deceased ?

**The Honourable Mr. A. G. Clow :** Yes, Sir.

**Mr. S. Satyamurti :** Will Government associate every section of this House with the conveyance of that sympathy with these unfortunate people ?

**The Honourable Mr. A. G. Clow :** Certainly.

**Mr. S. Satyamurti :** As regards the actual cause of the accident, so far as my Honourable friend has given the answer he mentioned a cloudburst. May I know—of course I am a layman—whether a searchlight on these railway engines will not disclose to the engine driver if a line has been washed away ?

**The Honourable Mr. A. G. Clow :** I am not in possession of the full particulars but it is perfectly possible for a bank to be washed away underneath the rails and until you are quite close to it it may appear to be all right.

**Mr. S. Satyamurti :** Have Government considered the question of compensation for the survivors of the deceased and injured without waiting for an inquiry and so on ?

**The Honourable Mr. A. G. Clow** : No, Sir, that cannot be considered till we have the report of the Senior Government Inspector of Railways.

**Mr. T. S. Avinashilingam Chettiar** : Did the railway have any information about the weakness of that line before the accident happened ?

**The Honourable Mr. A. G. Clow** : I do not think so ; I believe a train passed over that spot at about a quarter to eleven that night.

**Mr. S. Satyamurti** : Are Government satisfied that adequate medical treatment is being given to all those who have been injured as a result of this unfortunate accident ?

**The Honourable Mr. A. G. Clow** : Yes, Sir, I believe that is the case. I have just received a telegram from the Agent saying that he is personally visiting the hospitals in question.

**Seth Govind Das** : May I know how many persons are missing ?

**The Honourable Mr. A. G. Clow** : The last information I have is that about nine passengers who have been killed have been unidentified so far.

**Maulana Zafar Ali Khan** : May I suggest that since such loss of life is increasing on railway lines during the rainy season, especially in the neighbourhood of flooded areas, a pilot engine should always precede a railway train ?

**The Honourable Mr. A. G. Clow** : That is not practicable.

#### UNSTARRED QUESTION AND ANSWER.

##### EMPLOYEES ENTITLED TO GRATUITY ON THE EAST INDIAN RAILWAY.

13. **Mr. Mohan Lal Saksena** : Will the Honourable Member for Railways be pleased to state whether an employee of the East Indian Railway is entitled to gratuity after ten years' service, and if so, under what conditions ?

**The Honourable Mr. A. G. Clow** : The attention of the Honourable Member is invited to Rule 3 of the State Railway Gratuity Rules, a copy of which will be found in the Library of the House. Conditions similar to those laid down in that rule apply also to the grant of gratuity to the staff taken over from the old East Indian Railway Company, who remain subject to the East Indian Railway Company's gratuity rules.

#### ELECTION OF MEMBERS TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. I have to inform Honourable Members that Dr. Sir Ziauddin Ahmad and Maulvi Abdur Rasheed Chaudhury have been duly elected to the Central Advisory Board of Education.



## THE CRIMINAL LAW AMENDMENT BILL.—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim) : Legislative Business. The House will now resume discussion of the following motion moved by Mr. Ogilvie :

“ That the Bill to amend the Criminal Law be taken into consideration.”

**Mr. Jinnah.**

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, so much heat has been generated into this debate and so much passion has been imported into it that it is very difficult for one to get up in this electrified atmosphere to reason before this House. But I am obliged at any rate to put the case of my Party for what it is worth. Sir, the more passion and the more heat you bring into this debate, the less room there is for reason and common sense.

The next observation I should like to make is this,—and I say this with a certain amount of regret that the Honourable the Leader of the Opposition should have used the expressions which he did in this speech. Coming from a back-bencher I would not have minded them, and one could understand that, but what was his argument ? What were his assertions ? They were, Sir, more or less of this character,—that any man who is going to support this Bill ought to be ashamed of himself. That is regrettable, coming as it did from the Leader of the Opposition. He said that any man who is going to support this Bill will be selling the freedom of his country and betraying the country's liberty. Then, he wound up with an expression of regret and intimidation which is not worthy of the Leader of the Opposition. He said : “ You, the Muslim League, are occupying a position of balance. Probably this is not going to last. There is soon coming a time when that Bench will disappear !” And, then, what does he foreshadow for us—that we should be crushed down, ground down by a brute Hindu majority ; does he think that we shall not have the courage of our conviction and our opinions ? Sir, is this democracy ? Sir, I deprecate this attitude, I deplore it, and I do ask the Leader of the Opposition to reconsider his position ; it is really not worthy of him, and I will not say anything more about the various other insinuations and invectives which he and others of his Party indulged in ; but I can assure the House and my Honourable friends of the Congress Party here on the right, with whom we have the misfortune or good fortune to differ on this question—and believe me—that I am not actuated by any other consideration except the interest of India. Therefore, let us get back to calm, cool and careful consideration of this matter.

Sir, this Bill has had so much extraneous matters imported into it—it has gone from Peru to Java and China—we have discussed all sorts of things, but let us consider this Bill dispassionately and let us see whether this Bill, *in present conditions*—please remember that—is called for ; situated as we are is a factor, I wish we could do something better—do not think that I do not understand the policy which you are standing for—unfortunately, I cannot accept that policy, with the same motives, and give me the same credit as I give you credit for ; you honestly believe it that it is good for you, and I honestly believe that it is not good for the country—at any rate let us debate and discuss the motion on floor of this House calmly, coolly and with careful consideration. Now, Sir, the first point that I would like to touch upon before I pro-

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ceed further is this. Has the Provincial Government of the Punjab the power to enact this measure if they require it for their own province? Now, Sir, the Honourable the Leader of the Opposition made his speech and I heard him with great attention, and so did I the speech of the Honourable the Law Member on behalf of the Government. Well, when I heard the Law Member on behalf of the Government I really felt that he expounded the correct position as far as I am able to judge at the present moment. But when the Honourable the Leader of the Opposition argued—he will correct me if I am wrong,—he did not take into account entry 42 in Federal List I and he did not mention that entry at all. Now, if you only mention entry 42 in List I, then, with the utmost respect, the whole of his argument falls to the ground. The position is this. You have got in the Federal List, entry No. I, which has been read to the House and I need not repeat it. Now, if you read entry 1 with entry 42, it seems to me that they cover this Bill. Then, we come to List II, the Provincial List, and the only entry that I can find in it is 37 which does not seem, in my judgment, to attract any application so far as this Bill is concerned. Then, we come to List III, entry 1. It seems to exclude this Bill because the matters which are excluded in this List cannot possibly cover this Bill. In fact, it excludes it. May I with your permission, Sir, read entry 1 of this List. It says :

“Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power.”

There is one more quotation on this point from section 100 of the Government of India Act which bears on the subject. Sub-section (1) of section 100 of the Government of India Act, which I am going to quote, should be read in conjunction with Lists Nos. I, II and III. This is what sub-section (1) says :

“Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the ‘Federal Legislative List’).”

After all, one can only express one's own opinion after reading the various parts of the Act and these Lists. Nothing is certain in this world. I am not committing myself to anything which may, in future, be quoted as a precedent, but as far as I have applied my mind I am satisfied that the Provincial Government cannot enact a measure of this character. If this is so, then the next question which arises is this, that we have got definitely on the statement of the Law Member, on behalf of the Government of India, that the Provincial Government of the Punjab have desired for such a measure and that the Government of India have considered it and have examined the materials and they have come to the conclusion, concurring with the Punjab Government, that there is a necessity for a measure of this character. Now, I will tell you how my mind has evolved various points and what has been the reaction from time to time. The first question to which I had to apply my mind was whether there was a necessity for this measure and whether the Legislature should pass a measure of this character? Undoubtedly, it is a measure which creates a new offence.

Undoubtedly, this Bill proposes to place on the Statute-book an *ad hoc* Statute and we cannot pass it merely because the Government comes before us and says that they want it. When the Honourable Member in charge of the Bill put his case, I can frankly tell you that my reaction at that time was that no case was made out to begin with and there was no necessity for it. I must say I was very much amazed but I do not know what the reasons are. I do not know why the case was not put from the very beginning in the manner in which it might have been put. Later on, I pursued the examination of this point and I followed the other speeches and I followed the speech of the Honourable the Home Member with great care. I hope you will forgive me because I have no desire really to offend anybody and I do not want to say anything which will hurt anybody's feelings but you will forgive me when I say that I had not much doubts whether a *prima facie* case was made out by the Honourable the Home Member. But whatever little room there was for doubt in my mind was completely removed by the speeches that followed from these Congress Benches on this side. You have definitely declared—I do not say wrongly or rightly—that you are going to preach and persuade and carry on the agitation to stop the enlistment to the army and to stop the recruitment to the army. You have definitely said that and not only that but that it is your policy that you are going to instigate acts of mutiny and insubordination in these would-be recruits and those who are in the army.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : Nobody said that.

**Mr. M. A. Jinnah** : I know that the speeches of the Honourable Members on the Congress Benches have been very contradictory and have been very conflicting. I am not taking one speech or two speeches but I am taking, if you will pardon me, the net result of all the speeches. One Member said that he stands for pacifism. We have got in every country cranks and freaks who stand for pacifism. I forgive him ; he is entitled to his opinion. I want nothing but entire pacifism all over the world. There should be no war. There should be peace and plenty all over the world. I have no objection of any kind if all wars are banned. I am not now concerned with those Honourable Members who believe in pacifism. For myself, it is not a question of belief in pacifism or not believing in pacifism. I believe in saving my neck if I am in danger. I do not want to hurt anybody. I want to be a very good man, but it does not follow that everybody in this world is good and they do not want to hurt me. Therefore, I say that it is really not a question of pacifism or non-pacifism. As practical men we are going to defend ourselves or not ? That is the question. I say I am going to defend myself. That is my first point. My Honourable friend, Mr. Satyamurti, has enunciated six points as a condition precedent to accepting this Bill.

**An Honourable Member** : What about your 21 points.

**Mr. M. A. Jinnah** : Mr. Satyamurti has reduced it to six points and other Honourable Members generally have not confined themselves to six points. They asked for more which he did not. I will come to them in proper time. The question really is first of all as to the necessity. I do not know whether I am right or wrong, I shall be very sorry to put something in the mouth of Honourable Members on those Benches which they did not mean, but it is for the House to judge and, at any rate, to examine

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the Bill. Never mind whether I am right or wrong in interpreting the attitude of the Congress Party. The Bill, as I have analysed it, relates to two points and a third point which may or may not occur. The first point is :

“ wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval or Air Forces of His Majesty.”

That means really interfering with recruitment. The second part of the Bill is :

“ without dissuading or attempting to dissuade any person from entering such forces, instigates the public or any person to do, after entering any such Force, anything which is an offence punishable as mutiny or insubordination....”

Therefore, to put in a nutshell, it is agitation, movement organised or otherwise to interfere with recruits in the army and, secondly, to instigate those who are in the army or who enter the army to commit acts of mutiny or insubordination. These are the only two points in the Bill. Now, I would ask the Honourable Members this question : do you want me to send this message—do not forget the present conditions in which we are— to my countrymen and say, do not enlist in the army, if you enlist, then mutiny, do you want me to instigate every member of the army from the sepoy upwards to an officer—Indian of course, I am talking,—that they should mutiny and that they should commit acts of insubordination ? Is this the message that you want me to convey to the army in India in the present conditions in which we are situated. I am unable to do so. Do you want this message to be sent, do you want this lead to be given to your men, men who will be your better material, superior material because it is only those men who will obey that message or that lead. What will be the consequence to these men ? Are we merely to send this message and send this lead from this House or are we going to pursue this message and follow it up with a definite programme against this wicked Government ? Are we in a position to do that ? Let me tell this House what will be the consequence ? I only got a letter from an *ex*-prisoner three days ago. It is a heart-rending letter. He has described how he was carried away and what his position today is, and in what plight he is today. I will show that letter to my Honourable friends of the Congress Party if they want. They can verify for themselves. Do you want me to tell these men who are likely to be influenced to run the risk ? What will it result in ? It will result in blasting the career of some of these men ; it will result in ruination of their lives, and if there is a serious revolt it will result in loss of life of these men. Would you be able to break this machine ? I am not satisfied that we could do it now or are ready for it. May I, therefore, counsel to you, with all the passion at my command, let us find out other channels, other avenues, let us concentrate on something practical and then I think you might achieve your object. I am not afraid of revolution. I think it is the right of every country to revolt. If I instigate the army today, it will be only disastrous to me and not to the opponent whom I want to hit. In other words, I do not want to cut my nose in order to spite my face. That is the only reasoning which compels me to take up the attitude that I am. My Honourable friend, Mr. Satyamurti, and other Honourable Members were narrating a catalogue of grievances or a catalogue of charges against the Government. This is really not a communal question. I do

not wish to give it the slightest communal turn because communalism has really nothing to do with the Bill. It has nothing to do with any particular community. Well, if an argument was necessary, I say there is a tendency amongst Congressmen sometimes to appeal to the Muslims in the name of their religion, sometimes there is a tendency to coerce them, sometimes there is a tendency of intimidating them. There was manifest in this debate that tendency to influence the Muslim League Members. Mr. Gadgil and some other Honourable Members brought in the question of Palestine. I entirely agree with them in their points of view with regard to Palestine and Waziristan. At any rate to satisfy you about our *bona fides* I say that we are supporting the principle of the Bill in spite of Palestine and Waziristan. If anything we Muslims have got much greater grievance against this Government than the Congress Party has. We whole-heartedly join you and we feel in the same way as you do for our country. We have moreover feeling of sympathy for our co-religionists in other parts of the world. Apart from they being our co-religionists, we feel that the policy which the British Government are pursuing in Palestine and in Waziristan is unjust and brutal. Well, then we have got much greater grievance. I am not introducing any communal issue at all. I am only arguing in this way that we Muslims have got much more and greater grievances against this Government than you can possibly have. Then what object have we to support this Bill? Because, as somebody says, we feel that it is a lesser evil. It is the inevitability and practicality which force down our hands.

Now, then, with regard to the catalogue of charges some Honourable Member said, "I will not allow you to pass this Bill unless you agree here and now on the floor of this House to repeal the Government of India Act, 1935, and give me the constitution I want". Another point was,—I will read out those interesting points in Mr. Satyamurti's speech, and there is a great deal that I agree with :

"First, by amending the Government of India Act and handing over defence to a responsible minister, responsible for the defence of the country."

That is to be the first gesture in favour of recruitment. Do you not think you are trying to kill a fly on a wheel? Do you think that by your throwing out this Bill you will make Government give you what you want? Is this a lever strong enough to move this Government? Are you in earnest?

**Mr. S. Satyamurti :** Yes.

**Mr. M. A. Jinnah :** By throwing out this Bill only or also encouraging acts of mutiny and insubordination? Surely.

Now let me get on :

"Secondly, you want withdrawal of British troops as soon as possible from the country completely."

But is this not a contradiction in terms? Of course we want the British troops to be withdrawn from this country. That is the policy we have persistently maintained, and the argument is unanswerable, unassailable, except, of course, that the Government is not willing; and we want the army in this country to be completely Indianised. I have for many years fought for it, with very little success, if any at all. But, at the same time, you say that the best material,—because those who will

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hear your message will be your best material,—should not join the army, and, therefore, in the result the undesirables and the worst mercenaries will join the army. In the same breath you want the army to be Indianised. Is this not a contradiction in terms? I know we are impatient because we have reason to be impatient. But this is not the way to do it; by saying “Do this or else I will throw out this Bill”, with what results? I am not in love with this Bill at all and would like to throw it out, but who will suffer for it? That is the question.

Then the next point is this :

“Thirdly, by frankly and honestly accepting a scheme of Indianisation which will Indianise the ranks within 20 years at the most.”

I whole-heartedly support it. I have stood for it, I cannot tell you for how long. And let me tell you that in the Defence Committee of the first Round Table Conference even on a modest proposal made by me, I found to my regret that there was not a single Indian who supported me. And the proposal was that at any rate in the future the officer ranks should be recruited from amongst the Indians only and not Britishers. Even then I do not know how long it would take. One estimate was that it would take 40 years and another estimate was 50 years. But even then it would have taken 40 to 50 years before the officer rank of the Indian army would have been completely Indianised. That was a proposal for which I fought single-handed and if you will look up the proceedings you will see that there was not another Indian to support me.

Then the fourth point is this :

“By treating our Indian officers well and encouraging them.”

But you are going to instigate them to acts of mutiny and insubordination. The Bill aims at preventing that and if no one attempts to do that it will remain a dead letter. It was there in 1932 and was repealed in 1935. I do not know what happened to this Government, bad as it is; probably they were in a good frame of mind; they have their own calculations, sometimes correct and sometimes not. Anyhow, they came up in 1935 and repealed that part of the Criminal Law Amendment Act. Therefore, when you say “treat our officers well and encourage them”, that will depend upon ourselves :

“Fifthly, by abolishing the eight-unit scheme and making British and Indian officers equals and allowing Indian officers to command British officers and not keeping them back on racial grounds.”

I entirely agree. That is not a new point at all. Then :

“Sixthly, by making it clear to His Majesty's Government that Indians will not take part in any war against the interests or the will of India.”

On that point I entirely agree. Government say that the Indian army is “primarily and mainly” for the interests of India and for the internal security of India. There is a loophole in this phraseology and I want to go further and say that it should be entirely and solely and only in the interests of India. And if you want to use our army you can only do it in such war or difficulty or trouble as is likely to affect the Indian interests, and in which we would willingly co-operate with you and help you. But I quite agree that there is a loophole under the

present constitutional position, and having regard to the right over and control and the vesting of the army in hands which are not responsible to us, how is that to be cured? As my Honourable friend, Mr. Satyamurti, said, and somebody else said, the India of 1914 was different from the India of 1938. I am now contemplating a war, having passed through the stage of recruitment and instigation to mutiny and insubordination. Let us see what should or would be done with our army having this Bill as a Statute. And let me tell you that however dull an Englishman may be he is not quite so dull as not to realise what is the true force of public opinion in this country notwithstanding the provisions of this Bill. And as I said, I again recommend to you, let us try other channels and other methods which are in our hands, which we are neglecting and we are frittering away our energies in small matters. Let that time come—I do not know whether a war is going to break out or not; we have been hearing a lot about it lately but I do not know whether it will break out—it does not look like breaking out for some time; but, so far as that contingency is concerned, let that contingency arise and then, if we follow the right lines which are available to us, believe me it will be very very difficult for this Government to utilise our army when we do not want it. Why do you say that you will be prevented from taking that attitude if we so decide? What is the obstacle in your way? This Bill which provides some punishment for a year or whatever it may be—Is that the obstacle in your way? Do you think as practical men, as politicians that if a war breaks out tomorrow, it is not open to the Government to enact a measure of this character and even worse by Ordinance? What will you do then? Will you be frightened then? The only obstacle is only one year's punishment or two years in this Bill.

**An Honourable Member :** Anticipating the result?

**Mr. M. A. Jinnah :** We have moved an amendment to that effect and this Government cannot carry anything to which we do not agree. But I was only taking as an illustration of the point I wanted to make and it is this: this is for the period of time the third contingency I mentioned: the first period is the recruitment and the second is the instigation of officers and sepoys in the army to acts of insubordination; for that I certainly will not take any responsibility of endorsing it as I have explained; the third stage is this, that the war breaks out. If I may say so I listened to the speech of my Honourable friend, the Leader of the Nationalist Party, with very great respect and, whether I agree with him or not, he maintained, if I may say so, the dignity and position of a Leader. He put his arguments very forcibly; similarly, my friend the Deputy President: he put his arguments and maintained the dignity and position as a Leader; and that was the point which was really revolving in my mind—my friend, Mr. Aney's point, is that this is really done to anticipate a war. Now, at that time the position will be this. As soon as the last war broke out we had Ordinances, the Defence of India Act and other things in this country and in every other country. So, when a war breaks out, can you imagine that this Government is going to keep still? Probably they have got these Ordinances already ready in their secretariat. The danger is there already—one year or two years or it may be five years; but I do not think that that

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is going to be an obstacle in the way if we are going to pursue the right lines, and God willing, in spite of Ordinances and in spite of the great machinery behind them, I do think we can paralyse them if they do not obey our will.....

**Maulvi Abdur Rasheed Chaudhury** (Assam : Muhammadan) : May I know how ?

**Mr. M. A. Jinnah** : I will tell you when the time comes.

I have exhausted Mr. Satyamurti's six points : now I come back to the Bill. So far as the Bill is concerned, I agree with Mr. Satyamurti that we do not want to hold the baby for the Punjab Government. Whether I am right or wrong in the opinion that the Punjab Legislature has no power to enact this measure, even assuming that I am right, I do not want this Statute to operate in the Punjab or in any province at all, as imposed by the Central Government. Therefore, we considered the matter very carefully and we have given an amendment and I will certainly not support this Bill unless that amendment is accepted, namely.....

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : It is an agreed amendment !

**Mr. M. A. Jinnah** : No, it is not : if you insinuate and attribute motives I have nothing more to say, but I have insisted upon it. It is no use saying : "Government have agreed". Do you really think that it is better that each province should decide for itself or not ? If there is any meaning in provincial autonomy, we are going to pass this baby back to the Punjab Government and we will tell them : "Hold your baby". If you want this measure, if you think there is a necessity for it, you stand the racket and take the responsibility and face your legislature. Therefore, this is one of the points I have insisted upon. Another point is that no person should be prosecuted without the previous sanction of the Local Government. I do not want this measure to be used for any other purpose—or rather abused ; and, therefore, no person should be prosecuted except with the sanction of the Local Government. The next thing is with regard to the sentence. I think myself it will be sufficient and will serve the purpose we have in view if it is only one year and not more. With regard to clause 2 (a) I am not satisfied with it and I propose it should be in this form—amendment No. 7 on the supplementary list. That is on the supplementary list No. 2 :

"(a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or."

I may say that it is not the last word on the amendment. If any other amendment comes from any other quarter, believe me, I am quite willing to consider and say whether I can agree or not.

**An Honourable Member** : Thank you.



**Mr. M. A. Jinnah :** But that is a different point altogether. Therefore, having considered this from all points of view, I feel, and my Party feels, that we shall be doing the greatest harm to our people under the conditions as they exist today, to allow, as it is threatened to do, a movement, an organized movement, an agitation, to stop recruitment, to instigate acts of mutiny and insubordination. Well, Sir, I regret I am unable to subscribe to that view, and I hope that one day perhaps my friends will realise that I have acted with the same motives they claim for themselves and that I have done a service to the interests of India.

**Mr. C. M. G. Ogilvie** (Defence Secretary) : Sir, I have been accused of having been rather over-brief in my speech on the motion for consideration. I was, however, under the impression that a brief description of the intense campaign against recruitment that is now being carried on in the Punjab, and a summary of the views, the expressed views, of the people who were carrying it on, would be sufficient. I may again be guilty of the error of over-brevity, as my friend, Mr. Jinnah, in his most lucid exposition, has shown most clearly the nature of the case, if it can be so-called, which we have to meet. I am particularly grateful to him for disposing finally of the legal point. . . . .

**Mr. S. Satyamurti :** Finally ?

**Mr. C. M. G. Ogilvie :** Finally.

**Mr. S. Satyamurti :** Federal Court !

**Mr. C. M. G. Ogilvie :** I am particularly grateful to him for disposing finally of the legal point, as I feel I am singularly ill-equipped to cross swords in that field with so eminent and experienced a jurist as the Leader of the Opposition. There were three statements made by the Opposition speakers with which I cordially agree, one by my friend, Mr. Aney, that the debate has been remarkable for the extreme frankness of the views expressed, the second was a remark in my friend Mr. Asaf Ali's speech to the effect that the debate had had a chequered career, and the third was culled from the oration of the same speaker was that many speakers had unfortunately side-stepped the issue. There were in fact very few arguments adduced which had any close connection with the Bill itself. I will start with those which, in my opinion, had least connection and get those out of the way.

As my friend, Sardar Mangal Singh, said, the Opposition had succeeded in getting discussed or debated by themselves various adjournment motions which had been disallowed on grounds of public policy. I presume that their connection with the Bill was that a Government which would do things like that deserved to have its army tampered with. The first of them was the case of bombing on the Frontier, and we heard a very horrible and lurid account of it from my friend, Mr. Abdul Qaiyum, according to which, one would, if one knew nothing about it, draw the conclusion that peaceful, harmless, humble, highlanders were being bombed to extinction in their village homes, that no women or children were left alive in Waziristan. . . . .

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : I never said that.

**Mr. C. M. G. Ogilvie :** . . . . . and that this was being done from sheer motives of aggression on those whom he was pleased to call peaceful civilians. In a few sentences later, however, my Honourable and invaluable friend described a blood-thirsty raid on Bannu, in which according to his own words, innocent people were shot and their property looted and burnt. **Where were your innocent civilians then ? I noticed** also with great interest that he made an interpolation yesterday, during the speech of my friend, Captain Sir Sher Muhammad Khan, when the latter was discussing the attack of Afridis on Pesawar in 1930. He said : ' We wanted them '. Did he also want them to attack Bannu ? The actual facts of bombing on the Frontier are perfectly well-known to everyone and they have been publicly stated many times. They have been clearly and fully set forth in the command paper which is at the disposal of Honourable Members, and I have myself answered questions in great detail on the subject. I may, however, repeat in brief that it is not designed to secure loss of life, but the prevention of avoidable casualties, that it is better both from our point of view and the point of view of Mahsuds and the Waziri raiders that the tribesmen should be subjected to inconvenience as a result of the threat of bombing than that we should have to embark on a difficult land campaign with heavy casualties on both sides. Frequently land action has been avoided by this means. His comparison of the bombing of great cities in Spain and China without warning with the bombing or threatened bombing after full warning of small fortified hamlets populated by a nomadic population who are accustomed every year to move themselves bag and baggage has no meaning, and the two cases have even less relationship than that alleged in his statement that a certain eminent person's nephew was supporting his policy,—they are not even remote cousins. What his real reasons are for objecting, I leave the House to draw its own conclusions. They seem to me to be remarkably obvious.

The next argument was alleged discrimination against Indian com-  
 1 P.M. missioned officers. I wish to reject that with all the force at my command. Some Indian commissioned officers have sometimes their difficulties—we are fully aware of that—owing to the fact that the life is new and strange to many of them. We fully realise that, and if there is any discrimination it is in their favour. I do not want it to be understood that we regard them anything but highly. Those of the type and character to make good officers, of whom there must be an illimitable supply in this country, those of them whom we get are splendid officers and fully bear out the highest traditions of the Indian army than which I cannot possibly say more. The third connected point was Sir Philip Chetwode's speech. I think I have already indicated—I thought, proved to the satisfaction of the House—that no slight of any kind was intended to Indians generally or Indian officers in particular. The fact is that a number of persons who might make and probably would make excellent civil servants, doctors or lawyers, have found themselves in the army and they find eventually that to make military life their profession, their life's work, is not suited to them. But there is no more in it than that. There is no bearing on class or caste or tribe or community whatever. A large number, a comparatively large number of the right type are forthcoming and we hope that in future that more will be, and one of our problems is how to tap them. But when we get them they are splendid officers fully worthy of the confidence reposed in them to uphold the honour

and dignity of the army in India. Those three matters have remarkably little connection with this Bill, and I now proceed to some which appear to have more.

One is that the Bill is novel. It is not novel. The first clause was part of the law in 1932-35. Previous to 1932 there had been a certain amount of speaking about service in the army and police being unlawful, and, therefore, the provision found its way into the Criminal Law Amendment Act. But in the years 1932-35 that activity had entirely ceased and, therefore, it was dropped. Unfortunately, within the last eighteen months, this activity has recrudesced to a most alarming extent and, therefore, it has been thought necessary to replace it in the Statute-book. The second clause is the only new one and that, I noticed with interest, was hardly alluded to by any of the Opposition. The new offence is that one—asking people to enlist with intention to mutiny afterwards. That is the new offence which the ingenuity of certain persons has created and to meet it, therefore, a new law has become necessary. The next point was that the Bill was unnecessary as the existing laws deal with the offences which it seeks to penalise. It has been amply proved that they do not. The third is that normal recruitment has not been affected, or, if it has been, it is due to other causes. I stated in my speech on the consideration motion that normal recruitment had not been affected. The normal recruitment has not been affected though Mr. Gadgil took the trouble to prove what I said, by reading out a large number of pages from the strength returns. The idea, as I said before, was—I repeat it again now,—that the virulence and intensity of this propaganda would, in the opinion of the Government, make an expansion of the army difficult in time of war; also we might be getting in a certain amount of tainted and disloyal material. That is a danger which we cannot afford to neglect. The next was that the Bill affects civil liberties. I suppose section 302 affects civil liberties—it affects liberty any way, though perhaps not civil. The statement that this kind of thing would be allowed in Canada and so on, is, I think, too monstrously absurd to require contradiction. Any one who went round and preached in Canada that a man should not enlist when the next war came or enlist with the intention of mutinying would be dealt with very summarily indeed. Then, there were three more of a different type. One was that there should be a national army. How does the Bill affect that? Another was that the present form of the constitution should be changed . . . . . (At this stage, Mr. M. Asaf Ali rose in his place.) Please let me go on. . . . . and that there should be a defence ministry. How does the Bill affect that? The third is that the Indian army should not be used for purposes other than the defence of India. How does the Bill affect that? As my Honourable friend, Mr. Jinnah, said in so many words, the case of the Opposition seems to rest upon the desire to support the very offences which are dealt with by the Bill. I refrain from quoting the terrible remarks made by a large number of persons on the Opposition Benches. The reason why I said that I hoped that this Bill was uncontroversial was that I believed that, whatever our differences, we all had one common link, a little tenuous perhaps, but we had. We are Members of the same House. We are Members of the same House because we have all taken the oath of allegiance. (*Cries of "Oh!"* from the Congress Benches.) I fully realise that the members of the Opposition do not like being reminded of that fact. What they had to say hardly squares with

[Mr. C. M. G. Ogilvie.]

it ; in fact, as one Honourable Member stated, it must be nauseating to them. But still so long as threats of this kind are introduced into debates, it seems to me that the whole spirit of parliamentary relations is being undermined. That the Government should have to listen to such stuff is almost intolerable.

**Mr. S. Satyamurti :** On a point of order, Mr. President. My Honourable friend said that for Government to hear such " stuff " is intolerable. All speeches made in this House are *ex hypothesi* perfectly Parliamentary, subject as they are to your rulings. If my Honourable friend found any un-Parliamentary word or phrase, it was open to him to object, and you would have ruled on the merits of the case, but after listening to the whole debate and not having raised a single point of order, except one, on which I withdrew, after your ruling that it was un-Parliamentary, it is an insult to a section of the House, when the Honourable Member characterised a whole series of speeches as " stuff ", especially as they have been dealt with by you as perfectly Parliamentary and in order. I submit, Mr. President, that this ought not to be tolerated.

**Mr. President** (The Honourable Sir Abdur Rahim) : I understand that the word objected to is " stuff ".....

**Mr. C. M. G. Ogilvie :** I withdraw the word " stuff " and substitute the word " speeches ". These speeches have been dealt with by Mr. Jinnah, and I shall say no more about the necessity for this Bill. With these words, I oppose the circulation of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : There are two amendments, one in the name of the Congress Party and one in the name of the Congress Nationalist Party. I understand that it is agreed among the two parties that it will be quite sufficient to put the motion in the name of Mr. Satyamurti, and, if necessary, later on, the motion in the name of Sardar Sant Singh.

The question is :

" That the Bill be circulated for the purpose of eliciting opinion thereon till the 30th September, 1939."

The Assembly divided :

(When the Division was in progress.)

**Mr. S. Satyamurti :** On a point of order. I see that an Honourable Member (Mr. K. Ahmed) is being taken into the " Noes " Lobby by force.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member says that he was coerced into voting one way or the other, then that vote will be invalid.

(Division in progress.)

[At this stage, Mr. K. Ahmad was being physically pressed to cast his vote by different Honourable Members one way or the other.]

**Mr. President** (The Honourable Sir Abdur Rahim) : Order. order. No Honourable Member should be forced to vote one way or the other.

AYES—56.

Abdul Qaiyum, Mr.  
 Abdul Wajid, Maulvi.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Banerjee, Dr. P. N.  
 Chaliha, Mr. Kuladhar.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachalam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.  
 Lelehand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Raghbir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Soni, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrinuti K. Radha Bai.  
 Subedar, Mr. Manu.  
 Varma, Mr. B. B.

NOES—67.

Abdoola Haroon, Seth Haji Sir.  
 Abdul Ghani, Maulvi Muhammad.  
 Abdul Hamid, Khan Bahadur Sir.  
 Abdullah, Mr. H. M.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Ahmed, Mr. K.  
 Aikman, Mr. A.  
 Anderson, Mr. J. D.  
 Ayyar, Mr. N. M.  
 Azhar Ali, Mr. Muhammad.  
 Bajpai, Sir Girja Shankar.  
 Bewoor, Mr. G. V.  
 Bhutto, Mr. Nabi Baksh Illahi Baksh.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chapman-Mortimer, Mr. T.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.

Conran-Smith, Mr. E.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Danzen, Mr. P. R.  
 Dutt, Mr. S.  
 Essak Sait, Mr. H. A. Sattrar H.  
 Faruqui, Mr. N. A.  
 Fazli-Haq Piracha, Khan Bahadur Shaikh.  
 Ghulam Bhik Nairang, Syed.  
 Ghulam Muhammad, Mr.  
 Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Jinnah, Mr. M. A.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Lloyd, Mr. A. L.

Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.  
 Mukharji, Mr. Basanta Kumar.  
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.  
 Nauman, Mr. Muhammad.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Rahman, Lieut.-Col. M. A.  
 Rajah, Raja Sir Vasudeva.  
 Scott, Mr. J. Ramsay.

Shahban, Mian Ghulam Kadir Muhammad.  
 Shaukat Ali, Maulana.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Siddique Ali Khan, Khan Bahadur Nawab.  
 Sivaraj, Rao Sahib N.  
 Smith, Lieut.-Colonel H. C.  
 Sukthankar, Mr. Y. N.  
 Sundaram, Mr. V. S.  
 Town, Mr. H. S.  
 Tylden-Pattenson, Mr. A. E.  
 Umar Aly Shah, Mr.  
 Walker, Mr. G. D.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Zafrullah Khan, The Honourable Sir Muhammad.  
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.  
 The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th October, 1938.”

The Assembly divided :

AYES—56.

Abdul Qaiyum, Mr.  
 Abdul Wajid, Maulvi.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Aunthasayanam.  
 Banerjee, Dr. P. N.  
 Chaliha, Mr. Kuladhar.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachalam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.

Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.

Singh, Mr. Gauri Shankar.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Satya Narayan.  
Som, Mr. Surya Kumar.

Sri Prakasa, Mr.  
Subbarayan, Shrimati K. Radha Bai.  
Subedar, Mr. Manu.  
Varma, Mr. B. B.

## NOES—66.

Abdoola Haroon, Seth Haji Sir.  
Abdul Ghani, Maulvi Muhammad.  
Abdul Hamid, Khan Bahadur Sir.  
Abdullah, Mr. H. M.  
Ahmad Nawaz Khan, Major Nawab Sir.  
Ahmed, Mr. K.  
Aikman, Mr. A.  
Anderson, Mr. J. D.  
Ayyar, Mr. N. M.  
Azhar Ali, Mr. Muhammad.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Bhutto, Mr. Nabi Baksh Hishi Baksh.  
Boyle, Mr. J. D.  
Chanda, Mr. A. K.  
Chatterjee, Mr. R. M.  
Clow, The Honourable Mr. A. G.  
Couran-Smith, Mr. E.  
Dalal, Dr. R. D.  
Dalpat Singh, Sardar Bahadur Captain.  
Damzen, Mr. P. B.  
Dutt, Mr. S.  
Essak Sait, Mr. H. A. Sathar H.  
Faruqui, Mr. N. A.  
Fazli-Haq Piracha, Khan Bahadur Shaikh.  
Ghulam Bhik Nairang, Syed.  
Ghulam Muhammad, Mr.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jinnah, Mr. M. A.  
Kamaluddin Ahmed, Shams-ul-Ulema.  
Lloyd, Mr. A. H.  
Mackcown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.  
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.  
Metcalfe, Sir Aubrey.  
Miller, Mr. C. C.  
Mitchell, Mr. K. G.  
Mukerji, The Honourable Sir Manmatha Nath.  
Mukharji, Mr. Basanta Kumar.  
Murid Hussain Qureshi, Khan Bahadur Nawab Makhdom.  
Nauman, Mr. Muhammad.  
Nur Muhammad, Khan Bahadur Shaikh.  
Ogilvie, Mr. C. M. G.  
Rafiuddin Ahmad Siddiquee, Shaikh.  
Rahman, Lieut.-Col. M. A.  
Rajah, Raja Sir Vasudeva.  
Scott, Mr. J. Ramsay.  
Shahban, Mian Ghulam Kadir Muhammad.  
Shaukat Ali, Maulana.  
Sher Muhammad Khan, Captain Sardar Sir.  
Siddique Ali Khan, Khan Bahadur Nawab.  
Sivaraaj, Rao Sahib N.  
Smith, Lieut.-Colonel H. C.  
Sukthankar, Mr. Y. N.  
Sundaram, Mr. V. S.  
Town, Mr. H. S.  
Tylden-Pattenson, Mr. A. E.  
Umar Aly Shah, Mr.  
Walker, Mr. G. D.  
Yamin Khan, Sir Muhammad.  
Zafar Ali Khan, Maulana.  
Zafrullah Khan, The Honourable Sir Muhammad.  
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) : There were two other motions for circulation which were moved. One was by Mr. Ayyangar.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I withdraw my motion.

The motion was, by leave of the House, withdrawn.

**Mr. President** (The Honourable Sir Abdur Rahim) : The other motion was moved by Mr. Lalchand Navalrai.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadian Rural) : Sir, I withdraw my motion.

The motion was, by leave of the House, withdrawn.

**Mr. President** (The Honourable Sir Abdur Rahim) : Now, I will put the main motion. The question is :

“ That the Bill to amend the criminal law be taken into consideration.”

The Assembly divided :

AYES—65.

Abdoola Haroon, Seth Haji Sir.	Mehr Shah, Nawab Salibzada Sir Sayed Muhammad.
Abdul Ghani, Maulvi Muhammad.	Metcalfe, Sir Aubrey.
Abdul Hamid, Khan Bahadur Sir.	Miller, Mr. C. C.
Abdullah, Mr. H. M.	Mitchell, Mr. K. G.
Ahmad Nawaz Khan, Major Nawab Sir.	Mukerji, The Honourable Sir Manmatha Nath.
Ahmed, Mr. K.	Mukharji, Mr. Basanta Kumar.
Aikman, Mr. A.	Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.
Anderson, Mr. J. D.	Nauman, Mr. Muhammad.
Ayyar, Mr. N. M.	Nur Muhammad, Khan Bahadur Shaikh.
Azhar Ali, Mr. Muhammad.	Ogilvie, Mr. C. M. G.
Bajpai, Sir Girja Shankar.	Rafiuddin Ahmad Siddiquee, Shaikh.
Bewoor, Mr. G. V.	Rahman, Lieut.-Col. M. A.
Bhutto, Mr. Nabi Baksh Illahi Baksh.	Rajah, Raja Sir Vasudeva.
Boyle, Mr. J. D.	Scott, Mr. J. Ramsay.
Chanda, Mr. A. K.	Shahban, Mian Ghulam Kadir Muhammad.
Chatterjee, Mr. R. M.	Shaukat Ali, Maulana.
Clow, The Honourable Mr. A. G.	Sher Muhammad Khan, Captain Sardar Sir.
Conran-Smith, Mr. E.	Siddique Ali Khan, Khan Bahadur Nawab.
Dalal, Dr. R. D.	Sivaram, Rao Sahib N.
Dalpat Singh, Sardar Bahadur Captain.	Smith, Lieut.-Colonel H. C.
Danzen, Mr. P. R.	Sukthankar, Mr. Y. N.
Dutt, Mr. S.	Sundaram, Mr. V. S.
Essak Sait, Mr. H. A. Sathar H	Town, Mr. H. S.
Faruqui, Mr. N. A.	Tylden-Pattenson, Mr. A. E.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.	Umar Aly Shah, Mr.
Ghulam Bhik Nairang Syed.	Walker, Mr. G. D.
Ghulam Muhammad, Mr.	Yamin Khan, Sir Muhammad.
Griffiths, Mr. P. J.	Zafar Ali Khan, Maulana.
James, Mr. F. E.	Zafrullah Khan, The Honourable Sir Muhammad.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Ziauddin Ahmad, Dr. Sir.
Jinnah, Mr. M. A.	
Kamaluddin Ahmed, Sams-ul-Ulema.	
Lloyd, Mr. A. H.	
Mackeown, Mr. J. A.	
Maxwell, The Honourable Mr. R. M.	



## NOES—55.

Abdul Qaiyum, Mr.  
 Abdul Wajid, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Banerjee, Dr. P. N.  
 Chaliha, Mr. Kuladhar.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachelam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parua Nand, Bhai.  
 Raghunir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Sakseena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Varma, Mr. B. B.

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is :

“ That clause 2 stand part of the Bill.”

**Khan Bahadur Nawab Siddique Ali Khan** (Central Provinces and Berar : Muhammadan) : Sir, I beg to move :

“ That for sub-clause (a) of clause 2 of the Bill, the following be substituted :

‘ (a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuade or attempts to dissuade the public or any person from entering any such Forces, or ’.”

Sir, I shall only briefly state the reason why this amendment is necessary. The intention of the Bill is to prevent people from unduly interfering with the recruitment of those who want to enlist in the army. Unless such interference with recruitment is not only wilful but also

[Khan Bahadur Nawab Siddique Ali Khan.]

intended to affect adversely the numerical strength of the army, it cannot be regarded as an offence. A man may ask another not to join the army for a variety of reasons which are not necessarily criminal. For instance, a man may love his son so fondly that he may not like to expose him to the dangers to which persons serving in the army are exposed, or he may tell him not to join the army because he wants to keep him constantly with him owing to his excessive fondness for him. And yet, his attitude may be misunderstood or wilfully misconstrued, and he may be charged with an offence under sub-clause (a) of clause 2 as it stands and without any reference to his true motive or intention which he may plead in vain and which may be held to be irrelevant. He may be convicted and punished notwithstanding Exception 2 which is not sufficiently explicit or comprehensive. Therefore, it is necessary to amend the sub-clause in the way proposed by me in order that it may be necessary for the prosecution to prove the criminal intent. In some of the speeches an objection was raised that the Bill as it stands seeks to lay the onus of proving his good faith and innocence on the accused. My amendment if carried will remove that objection. I, therefore, hope the House will unanimously support my amendment and Government will accept. Sir, I move.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Amendment moved :

“ That for sub-clause (a) of clause 2 of the Bill, the following be substituted :

‘ (a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or ’.”

**Mr. C. M. G. Ogilvie** : Sir, Government accept the amendment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is :

“ That for sub-clause (a) of clause 2 of the Bill, the following be substituted :

‘ (a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or ’.”

The motion was adopted.

**Mian Ghulam Kadir Muhammad Shahban** (Sind Jagirdars and Zamindars : Landholders) : Sir, I beg to move :

“ That in clause 2 of the Bill, for the words ‘ two years ’ the words ‘ one year ’ be substituted.”

The motive of my amendment is to reduce the punishment for any offence under this Act from two years rigorous imprisonment to one year. In my opinion the ends of justice will be amply served if an offender is sentenced to one year, which term I think is long enough to deter the offenders from violating the provisions of this Bill. After all what the Government wants is to create a moral influence in the country, so that none may dare to break the discipline of the army and this will be attained even if the punishment is reduced as proposed by me. Sir, I move.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Amendment moved :

“ That in clause 2 of the Bill, for the words ‘ two years ’ the words ‘ one year ’ be substituted.”

**Mr. C. M. G. Ogilvie** : Sir, the period of two years is obviously a mild one for the type of offence which this Bill seeks to penalise, especially as two years is a maximum. But Government are inclined to agree that for practical purposes the deterrent effect of a maximum of one year or two years is not very different and they are therefore prepared to accept it.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is :

“ That in clause 2 of the Bill, for the words ‘ two years ’ the words ‘ one year ’ be substituted.”

The motion was adopted.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris : Muhammadan) : Sir, I move :

“ That in clause 2 of the Bill, the following new paragraph be inserted before *Exception 1* :

‘ No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government ’.”

In moving this amendment, I do not want to make an elaborate speech.....

**Mr. Lalchand Navalrai** : None is required.

**Mr. H. A. Sathar H. Essak Sait** : None is required, because our Leader, Mr. Jinnah, when he spoke on the consideration motion, did make it clear what the intention behind this amendment was. It was mentioned in some speeches that it was possible that the provisions of this Bill may be misused because of enmity or for other reasons. To guard against that my amendment seeks to provide that no prosecution shall be launched except with the previous sanction of the Provincial Government. I hope this amendment will commend itself to the House and I therefore move it.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Amendment moved :

“ That in clause 2 of the Bill, the following new paragraph be inserted before *Exception 1* :

‘ No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government ’.”

**Mr. C. M. G. Ogilvie** : Sir, Government accept the amendment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is .

“ That in clause 2 of the Bill, the following new paragraph be inserted before *Exception 1* :

‘ No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government ’.”

The motion was adopted.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

“ That clause 2, as amended, stand part of the Bill.”

The Assembly divided :

AYES—60.

Abdoola Haroon, Seth Haji Sir.  
 Abdul Ghani, Maulvi Muhammad.  
 Abdul Hamid, Khan Bahadur Sir.  
 Abdullah, Mr. H. M.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Aikman, Mr. A.  
 Anderson, Mr. J. D.  
 Ayyar, Mr. N. M.  
 Azhar Ali, Mr. Muhammad.  
 Bajpai, Sir Girja Shankar.  
 Bewoor, Mr. G. V.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chapman-Mortimer, Mr. T.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.  
 Conran-Smith, Mr. E.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Damzen, Mr. P. R.  
 Dutt, Mr. S.  
 Essak Sait, Mr. H. A. Sathar H.  
 Faruqi, Mr. N. A.  
 Fazli Haq Piracha, Khan Bahadur Shaikh.  
 Ghulam Bhik Nairang, Syed.  
 Ghulam Muhammad, Mr.  
 Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Jinnah, Mr. M. A.

Kamaluddin Ahmed, Shams-ul Ulema.  
 Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.  
 Mukharji, Mr. Basanta Kumar.  
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.  
 Nauman, Mr. Muhammad.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Rahman, Lieut.-Col. M. A.  
 Scott, Mr. J. Ramsay.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Siddique Ali Khan, Khan Bahadur Nawab.  
 Sivaraj, Rao Sahib N.  
 Smith, Lieut.-Colonel H. C.  
 Sukthankar, Mr. Y. N.  
 Sundaram, Mr. V. S.  
 Town, Mr. H. S.  
 Tylden-Pattenson, Mr. A. E.  
 Walker, Mr. G. D.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Zafrullah Khan, The Honourable Sir Muhammad.  
 Ziauddin Ahmad, Dr. Sir.

NOSE—52.

Abdul Qaiyum, Mr.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Banerjee, Dr. P. N.  
 Chaliha, Mr. Kuladhar.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachelam.

Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hegde, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Lalhri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kunt.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.

Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga Seth.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Varma, Mr. B. B.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is :

“ That clause 1 stand part of the Bill.”

**Khan Bahadur Shaikh Fazl-i-Haq Piracha** (North-West Punjab : Muhammadan) : Sir, I move :

“ That for sub-clause (3) of clause 1 of the Bill, the following be substituted :

‘ (3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such province ’.”

This is No. 5 in the Consolidated List, Sir. As is clear from the wording of the amendment I have just moved, it aims at empowering the Provincial Governments to enforce this measure in their respective provinces, when and if they find it necessary. This will also give them power to limit the period for which the measure should remain in force so as to avoid keeping the Act permanently on the Statute-book.

Sir, the amendment, if it finds favour with the House and is accepted, will meet the serious objections that have been raised during the discussion of the motion for circulation, that the Bill is being rushed through without first taking public opinion or the opinions of even the Provincial Governments. In giving the power of enforcing this legislation to the provinces, we will be giving them an opportunity to carefully consider the circumstances and see if they need enforce this law at all. They will also get an opportunity to consult their people before enforcing it, if they so desire.

Sir, it may be a fact that the Punjab Government have expressed their desire for the enactment of the legislation under consideration, but certainly no opinion has been obtained from any other Provincial Government, nor probably has it been called for. When we have autonomous Governments in the provinces at the present time, it is the provinces that are responsible for their people, and it is unfair to inflict a penal law on them, without even ascertaining their views on the subject. When law and order is a provincial subject and when the administration of any measure even if it is passed by this House rests with the Provincial Governments, it will simply be a fair thing to give them

[Shaikh Fazl-i-Haq Piracha.]

power to enforce the law if and when they like. Under the circumstances mentioned by the Honourable the Leader of our Party in his eloquent speech this morning, although we were against defeating the Bill altogether and opposed the circulation motion, we are nevertheless keen on passing this Bill in the best acceptable form, so that it may not be used for any other purpose than the one aimed at, and to make it as little repressive as possible. I hope that if the Government also accepts this amendment of mine, the Bill will not be viewed with so much hatred and contempt as it has been viewed in the discussions. I hope the Government will have no objection to accepting this amendment and will help to make the measure more acceptable. Sir, I move.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Amendment moved :

“ That for sub-clause (3) of clause 1 of the Bill, the following be substituted :

‘ (3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such province ’.”

**Mr. C. M. G. Ogilvie** : Sir, Government have no objection whatever to accept this amendment in principle, but with your permission, I should like to propose a small drafting amendment. Sub-section (3) should read :

“ This section shall come into force at once. The rest of the Act shall come into force in any province on such date as the Provincial Government may by notification in the official Gazette appoint in this behalf for the province.”

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly) : Non-Muhammadan Rural) : Sir, we have not got this amendment before us.

**Mr. C. M. G. Ogilvie** : If there is no objection.....

**Mr. K. Santhanam** : We have objection.

**Mr. C. M. G. Ogilvie** : Subject to the drafting change, Government are prepared to accept the amendment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : There is objection taken ; I don't think the amendment can be allowed.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour) : It is only a drafting amendment, and drafting amendments have always been allowed.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : If somebody will explain the significance of the change, I can consider it. Is there any change of substance ?

**Mr. C. M. G. Ogilvie** : There is no change of substance at all.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I want to know how there is no change of substance.

**Mr. C. M. G. Ogilvie** : The idea is that section 1 should clearly be kept alive, and this wording, in our opinion, does it better than the wording of the amendment as proposed by my Honourable friend.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Is that all ?

**Mr. C. M. G. Ogilvie** : Yes.

**Mr. M. A. Jinnah :** I do not quite understand what the amendment is, and I do not think that the House has understood what the amendment is.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I am afraid I cannot allow this change.

The question is :

“ That for sub-clause (3) of clause 1 of the Bill, the following be substituted :

‘ (3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such province ’.”

The motion was adopted.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

“ That clause 1, as amended, stand part of the Bill.”

The Assembly divided :

AYES—65.

Abdoola Haroon, Seth Haji Sir.  
 Abdul Ghani, Maulvi Muhammad.  
 Abdul Hamid, Khan Bahadur Sir.  
 Abdullah, Mr. H. M.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Ahmed, Mr. K.  
 Aikman, Mr. A.  
 Anderson, Mr. J. D.  
 Ayyar, Mr. N. M.  
 Azhar Ali, Mr. Muhammad.  
 Bajpai, Sir Girja Shankar.  
 Bewoor, Mr. G. V.  
 Bhutto, Mr. Nabi Baksh Illahi Baksh.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chapman-Mortimer, Mr. T.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.  
 Conran-Smith, Mr. E.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Damzen, Mr. P. R.  
 Dutt, Mr. S.  
 Essak Sait, Mr. H. A. Sathar F.  
 Faruqui, Mr. N. A.  
 Fazli-Haq Piracha, Khan Bahadur Shaikh.  
 Ghulam Bhik Nairang, Syed.  
 Ghulam Muhammad, Mr.

Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 James, Mr. F. E.  
 Jayahar Singh, Sardar Bahadur Sardar Sir.  
 Jinnah, Mr. M. A.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.  
 Mukharji, Mr. Basanta Kumar.  
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.  
 Nauman, Mr. Muhammad.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Rahman, Lieut.-Col. M. A.  
 Scott, Mr. J. Ramsay.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Shaukat Ali, Maulana.  
 Sher Muhammad Khan, Captain Sardar Sir.

Siddique Ali Khan, Khan Bahadur  
Nawab.  
Sivaraaj, Rao Sahib N.  
Smith, Lieut.-Colonel H. C.  
Sukthankar, Mr. Y. N.  
Sundaram, Mr. V. S.  
Town, Mr. H. S.  
Tylden-Pattenson, Mr. A. E.

Umar Aly Shah, Mr.  
Walker, Mr. G. D.  
Yamin Khan, Sir Muhammad.  
Zafar Ali Khan, Maulana.  
Zafrullah Khan, The Honourable Sir  
Muhammad.  
Ziauddin Ahmad, Dr. Sir.

## NOES—54.

Abdul Qaiyum, Mr.  
Abdur Rasheed Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Banerjee, Dr. P. N.  
Chaliha, Mr. Kuladhar.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chaudhury, Mr. Brojendra Narayan.  
Chettiar, Mr. T. S. Avinashilingam.  
Chetty, Mr. Sami Vencatachelam.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Deshmukh, Mr. Govind V.  
Gadgil, Mr. N. V.  
Govind Das, Seth.  
Gupta, Mr. K. S.  
Hans Raj, Raizada.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Misra, Pandit Shambhu Dayal.  
Muhammad Ahmad Kazmi, Qazi.  
Paliwal, Pandit Sri Krishna Dutta.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raghubir Narayan Singh, Choudhri.  
Ramayan Prasad, Mr.  
Ranga, Prof. N. G.  
Rao, Mr. M. Thirumala.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.  
Santhanam, Mr. K.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Sheodass Daga, Seth.  
Singh, Mr. Gauri Shankar.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Satya Narayan.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Subbarayan, Shrimati K. Radha Bai.  
Subedar, Mr. Manu.  
Varma, Mr. B. B.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is :

“ That the Title and the Preamble stand part of the Bill.”

The Assembly divided :

## AYES—65.

Abdoola Haroon, Seth Haji Sir.  
Abdul Ghani, Maulvi Muhammad.  
Abdul Hamid, Khan Bahadur Sir.  
Abdullah, Mr. H. M.  
Ahmad Nawaz Khan, Major Nawab Sir.  
Ahmed, Mr. K.  
Aikman, Mr. A.

Anderson, Mr. J. D.  
Ayyar, Mr. N. M.  
Azhar Ali, Mr. Muhammad.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Bhutto, Mr. Nabi Baksh Illahi Baksh  
Boyle, Mr. J. D.



Chanda, Mr. A. K.  
 Chapman-Mortimer, Mr. T.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.  
 Conran-Smith, Mr. E.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Damzen, Mr. P. R.  
 Dutt, Mr. S.  
 Essak Sait, Mr. H. A. Sathar H.  
 Faruqi, Mr. N. A.  
 Fazli-Haq Piracha, Khan Bahadur Shaikh.  
 Ghulam Bhik Nairang, Syed.  
 Ghulam Muhammad, Mr.  
 Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Jinnah, Mr. M. A.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.

Mukharji, Mr. Basanta Kumar.  
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.  
 Nauman, Mr. Muhammad.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Rahman, Lieut.-Col. M. A.  
 Scott, Mr. J. Ramsay.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Shaukat Ali, Maulana.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Siddique Ali Khan, Khan Bahadur Nawab.  
 Sivaraj, Rao Sahib N.  
 Smith, Lieut. Colonel H. C.  
 Sukthankar, Mr. Y. N.  
 Sundaram, Mr. V. S.  
 Town, Mr. H. S.  
 Tylden-Pattenson, Mr. A. E.  
 Umar Aly Shah, Mr.  
 Walker, Mr. G. D.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Zafrullah Khan, The Honourable Sir Muhammad.  
 Ziauddin Ahmad, Dr. Sir.

## NOES—53.

Abdul Qaiyum, Mr.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Bauerjea, Dr. P. N.  
 Chaliha, Mr. Kuladhar.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachellam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.

Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Kailash Behari Lal, Babu.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalehand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Raghubir Narayan Singh, Choudhri.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyumnurti, Mr. S.

Shani Lal, Mr.  
 Sheodass Daga, Seth.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.

Soni, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Varma, Mr. B. B.

The motion was adopted.

The Title and the Preamble were added to the Bill.

**Mr. C. M. G. Ogilvie :** Sir, I move :

“ That the Bill, as amended, be passed.”

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Motion moved :

“ That the Bill, as amended, be passed.”

**Mr. Lalchand Navalrai :** Sir, I rise at this late stage—but I think it is not too late. I think this is a stage where final and more mature consideration should be given to this Bill. Now I have risen at this stage on my own behalf and on behalf of my Party, which has permitted me to speak at this moment, on their behalf. Sir, on my behalf and that of my Party I have to record a strong protest against this Bill. I have seen instances even at this late stage where Bills have been thrown out. Sir, it has been clear throughout this consideration and deliberation that the majority of the elected Members in this House are against this Bill and, therefore, the majority of the population in India must be taken to be against it. I would ask those Honourable Members who have up to this time—I mean Members on the right side of mine—who have up to this time shown that they are in favour of the Bill....

**An Honourable Member :** With amendments.

**Mr. Lalchand Navalrai :** They should give a little more consideration to the matter and forget any consideration that they may have been offered or that they may have been led away by. They should remember that when this Bill is passed it will do a great harm. Sir, the attitude of my Party has been very clear from the very beginning. We asked that the Bill should not be rushed through this House without obtaining public opinion. I do not see eye to eye with anyone who says that this Bill should be passed forthwith and the ordinary procedure of passing Bills should not be gone through. Sir, it is clear that from the Congress Party an amendment was put forward that the Bill should be sent for circulation and during the circulation the opinions might be elicited before the 30th September, 1939. Well, my Party thought that that amendment might be considered to be of a longer duration than necessary and, therefore, I put in my amendment to say that the Bill should be circulated and opinions elicited before the 1st February, 1939, in order to give an opportunity to this House to get those opinions and consider them and then give their verdict by consideration of the Bill next Session which has to come in February. But I withdrew that because I saw that the House at that moment was not in a mood to accept the circulation. Then I would draw the attention of the House to the other amendment put forward by our Party Member, Sardar Sant Singh, who asked only for a delay of two months. He said that before the end of October opinions might be secured. Now, I submit that it was a matter of only two months and nothing would have been done by that time that would have hamp-

ered in any way the passing of this Bill. Therefore, I make it clear that the intention of those that wanted circulation was not to say that this Bill should be thrown away or that such delay should be made that the object of the Bill might be frustrated. I submit, therefore, that I must enter a strong protest on behalf of my Party and myself. Then, the first question is whether there has been any urgency shown for this hustling. I submit the Honourable Member for Defence has not been able to show that there is any war impending or that it is likely that it is to come in a day or two or even in a year or two years. Thus, no facts have been placed before us to give our judgment on the point as to whether the Bill should thus be rushed through this House. Then, Sir, it has been said by Honourable Members that the attitude of the British Government is that of conciliation. Now, it appears that they do not want to enter upon any war, and that has been shown by what they have been doing for the last year or two. Therefore, I submit that no urgency has been shown at all. The attitude of the British Government, at present, is to be conciliatory with other countries and not to enter into war with them but it seems they wish to remain in perpetual war with India and not to enter into conciliation with the people of India and to pass a Bill like this against the opinion of the people of India. Then, Sir, with regard to the necessity, I do not find that it has been proved to the House that there is a great necessity for the passing of this Bill. Now, what is the necessity that has been urged? It has been said that there is a propaganda going on in the Punjab and that speeches are being delivered there which stand in the way of the recruitment to the army, but not a single speech has been brought forward before the House. How are we going to accept it? We cannot accept the necessity of this Bill merely because the Government say that speeches have been delivered which threaten the recruitment to the army. The third argument that was put forward was that this Bill would apply only to the Punjab at once. It was also argued that because the Punjab Government has agreed to do so and has asked the passage of this Bill, therefore, this Bill is being enacted. But it is not the Punjab Government alone that is concerned. This Bill will apply to the whole of India and, therefore, the opinion of the Punjab Government alone is not enough to show that there is a necessity for it. I submit that the opinions of the other Provincial Governments should also have been taken into consideration before passing this measure. If this Bill is going to be passed in the teeth of the opposition of the majority of the elected Members, it will go in the annals of the history of this country that a Bill of such an important nature was passed in the teeth of the opposition of the people of India. I am conscious of the opinion of the Muslim League. They have helped in the passing of this Bill no doubt, but, after all, they should realise that they are in a minority here as well as in the country.

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : We are a nation.

**Mr. Lalchand Navalrai** : I do not accept it. You are only a part of the nation. I submit that I have got respect for them and for their community but what I wish to say is that they have taken an attitude which they should not have taken. We could see from the speech of the Honourable Mr. Jinnah that it was already arranged that certain amendments will be accepted

4 P.M.

[Mr. Lalechand Navalrai.]

by the Government and, therefore, their attitude was in favour of the Bill. This has been proved by subsequent events that it was so and their amendments have been accepted. But what have they gained by these amendments? I should like to disillusion them of any benefits that they think they might have gained. The first amendment that they put forward and which was accepted was with regard to the giving of power to the Provincial Governments to enforce this Bill by notification. Now, the Honourable the Defence Secretary has already said that he wants this Bill first for the Punjab, whose opinion they have already got. Therefore, as soon as this Bill is passed, the Punjab Government would apply it forthwith. If the Punjab Government applies it forthwith, what have they gained? I submit that by that amendment they have got nothing. Then, again, no amendment has been accepted that the Punjab Assembly will be consulted. The Punjab Government will apply it because they have already been committed to it. You have not said that the Punjab Government should place it before their Legislative Assembly. They will take the responsibility as they have done now. The other Provincial Governments have not been consulted and, therefore, I see no reason why this Bill should be passed by this House. A Bill passed by this House will be considered as an important Bill only because we have passed it, and they may accept it, but the point is why should not this Bill wait for some time?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I submit, therefore, that though some Members may be determined to pass this Bill, it will go to the credit of this House if it is thrown out. If not, the country would say that their own men of the Minority Party have failed them.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Mr. President, let it not be imagined that I am making this speech at this third stage merely to obstruct, but I expect to put a point of view before this House and, after I have done so, it is likely that the Bill may be rejected. Well, Sir, to begin with, I am going to take a realistic view of this Bill. And what is the realistic view of the Bill? It is this. To begin with, in spite of the gibes against my Party, I think that the Congress Party has justified its existence in this House and for this reason that if this Party had not been in this House, then let me ask Mr. Jinnah himself whether some of his amendments would have been accepted by this Government. I admit that next to rejection some of the amendments that have been put forward by my brethren of the Muslim League are the second best.

**Mr. M. A. Jinnah** : May I inform the Honourable Member that as I had heard—I am glad if it is untrue—that the Congress Party might not take part in the further proceedings of this Bill, I stipulated with the Government and said that unless they accept my amendments, I should vote with the Congress for the circulation of the Bill, which means its virtual rejection.

**Dr. G. V. Deshmukh** : I am glad that Mr. Jinnah has verified my statement. It only goes to prove that if the Congress Party had not

been in this House, there would have been no occasion for this stipulation and the agreement of the Government.

**Mr. M. A. Jinnah :** Quite right. You can be very useful.

**Dr. G. V. Deshmukh :** I tell you that in spite of the gibes and jokes we mean to be. What is the second realistic view of the situation that we have to see. I see the point is made that if the Britishers were to leave India, what would happen to us ? I think that only a poet or a lover or a lunatic can accept this view. You can take it from me that Great Britain is not going to leave India unless she is driven out by force of circumstances. In spite of what the Congress Party might say, in spite of what the Muslim League Members might say, let us look at the facts as they are. It is not possible for us to drive the English out of this country. If we could, we would like to. But as I say I belong to a practical profession, and I am determined to take a practical view of the Bill before the House. Therefore, in the absence of force of circumstances, it is always best to accept the practical situation as it is. I say that the British people are not going out of this country unless they are forced to do so by force of circumstances. Therefore, all these talks that we have heard that if England were to leave India, supposing we were to ask our people not to join the army, not to be recruited and if ever this thing comes to pass, India will be without an army, without defence ; or the other picture that Srimathi India speaking to Dame England, " well sister, what will we do if you leave India ", I say all these are fit only for poets or the other people I mentioned before. What is this war that we are talking about ? Some people say that war is going to come. Others say that war is not going to come. I am no military expert as I do not belong even to the famous service which knows everything about everything on the face of the earth. What I do say is this. Assuming that war is going to come, how is this Bill going to help us ? Personally I do not believe that war is going to come to India soon. It is for this reason. India has got a large seaboard and you cannot imagine any European power coming by the sea and invading India. Very well. So far as war is concerned, what is modern warfare ? Modern war is solely confined to air attacks. Can you imagine any European power marching through the continent of Asia and walking through the Khyber pass and attacking India by air ?

**An Honourable Member :** They will come by Lloyd Tristeno.

**Dr. G. V. Deshmukh :** I am going presently to mention to you that our great Indian Navy for which the Punjab Government has applied for recruitment is going to prevent that ! Indeed no man in his senses can imagine that any nation is going to invade India by way of the sea. Nor do I think that anybody in his senses is going to imagine, at the present stage, that he will witness the march of the Central Asiatic hordes of people, horsemen marching through the Khyber Pass. What is our army meant for ? The army that we have is sufficient for the defence of our country and if the Defence Secretary says, ' no ', then I want to ask him what has he been doing so far. I say our present forces are enough for the defence of India. How then is the main attack from foreign power going to come ? It is going to come through the air and there again the Punjab Government have applied for recruitment to the Air Force also.

[Dr. G. V. Deshmukh.]

I saw all my friends here talking about defence. For me, it is only defence of India by Indians. Unless you have Indians in the Air Force, what is the good of this defence? I should like to ask the Government how many Indians there are in the Royal Air Force.

I will give the House a valuable information. Any European can join the Royal Air Force, but no Indian can. Something more, no Asiatic can join. I challenge the Defence Secretary to deny my statement. I once again reiterate that in the Royal Air Force no Indian can get admission. I speak with authority and it is for this reason. I have a nephew whom I sent to England for training in aeroplane service and asked him to join the Royal Air Force in the hope that at the time of war, whenever there is a question of defence of India arising, then my nephew might play a useful part in the defence of India. What is the reply he received from the Air Secretary? No person of non-European descent—mark my words, a Portuguese, a Spaniard or an Italian or a German in spite of the fact that they are fighting against the British, can join the air force, but no Indian can. Therefore, all this talk about the defence of India that I heard during the last few days is sheer nonsense. If we are going to take part in the main defence of our country, it is by Air Force at the present time. Anybody—he need not be a military expert, any layman reading the newspapers every day and keeping himself in touch with modern strategy and developments of modern warfare will tell you it is only Air Force that matters now-a-days. If Indians are denied the right of admission to the main branch of defence, that is, Air Force, then what is the good of your talking here about bravery and all other things for the defence of India. Sir, here again there has been a great deal of confusion of thought, there has been less of clarity of expression and analysis.

There were a few good jokes and gibes at non-violence against my Party. I suppose it added a little amusement to the discussion in the House. I have no objection to it. But I am afraid those who talk about non-violence mix up non-violence with cowardice. Non-violence does not mean cowardice any more than generosity means extravagance or bravery means rowdyism or health means delirium. My idea of non-violence is something like that of the Quaker who when he was slapped on one cheek said, 'I will offer you the other cheek', and again he was slapped on the other cheek and he said, 'Now that I have done what the Bible has asked me to do, I will show you what this means'. My idea of non-violence, not only mine, but the idea of my Party about non-violence has been this. Everybody seemed to be indulging in cheap gibes and jokes. I say that I will exert every power I have in my defence and I will not yield to anybody, I will not allow my rights to be trampled upon or allow any foreigner to walk over me. That is the real meaning of non-violence, as I understand it, as my Party understands it. Do you want to have proof of it? Very well, I will give you proof. Right from the time that we came to this Assembly, how many questions, have we put again and again on the Air Force, on Indianisation, etc., how many Resolutions have been moved and how many adjournment motions have been moved and how many adjournment motions were disallowed and how many questions were answered in the usual way on Indianisation, on Air Force, on defence

force, etc. In spite of all this evidence in this House still some Honourable Members talk glibly about our non-violence. Are you going to be non-violent against an invading army? I think the situation has not been analysed properly, there has been a good deal of confusion of thought. I say that surely none of them would prefer that we should be violent. What is the antithesis of non-violence, it is not cowardice, but it is violence. What I say is that if it has proved a little amusing to the House in having a few gibes at my Party on non-violence, I have no objection if it pleases them and adds to the amenities of the House. But they must understand that the non-violence of the Congress Party does not mean cowardice; it does not mean that anybody may come and trample upon us. We will stand and fight; and that brings me to the question of defence.

What is all this defence that we hear people talking about? Are we really defending ourselves at the present time? I have repeatedly made speeches before this House and said that defence is a vital question and that the defence of India must be by Indians. I do not want to have the sort of position where a man whose wife was abducted wrote to the Police Commissioner, "Find my wife and do the needful". If tomorrow a foreign enemy is coming to invade India it would be against my self-respect and humiliating to me till aeroplanes and warships and soldiers come from England, and till that time to sit down with folded arms and say, "Very well, you look after the defence of India and do the needful". I say the vital question before us Indians is that of our own defence, and I say it with grief and shame that in spite of the 30 or 20 years which have passed since the war, no Indianisation has taken place. Is this the defence that we are priding about and helping this Government to recruit for? That is so far as defence is concerned.

In case this confusing proposition about any war in which the British Empire may be engaged had not been put in in the Statement of Objects and Reasons I would have found many things in common to agree with in the Home Member's speech the other day. But I cannot imagine that in the Government of India they allow things either to be written or said inadvertently or without any specific purpose. The specific purpose in this Bill is apparent in this Statement of Objects and Reasons. I will ask this House not to go away with this idea that this was just put in somehow or other inadvertently without giving proper thought to it. I say it has been intentionally and deliberately put in that Statement. My Honourable friend, Mr. Jinnah, says that Government have the power, and they have their Ordinances. No one denies that; they have the power but there is a difference between having power by Ordinances and having it passed by law in a House consisting of elected representatives of the people. If tomorrow there is a war they can have Ordinances and no one will object to it. Everybody knows that death is inevitable and no one can escape it but who, therefore, wants to commit suicide? That is the difference between power of Ordinances and getting this kind of measure passed here. And if Government want it tomorrow in a state of emergency I know they have that power. They can pass any measures they like without even asking or consulting us. But when they come before this House with a measure like this I do not think it is any compliment to our own intelligence to say that this measure should be accepted by this

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House of public representatives. Well, Sir, what is this British Empire ? As I said, this has been put in deliberately. What are we going to fight for ? As you know, the Empire always means capital invested in foreign countries. Are we going to fight for the British capital invested in foreign countries ? Empire means demand for raw products. Are we going to fight for demand for raw products ? Foreign interests, -are we going to fight for all these things ? I go one step further. Empire after the war also means the mandated territories of the colonies. I hope European gentlemen know what I mean. Do you expect us to fight for the mandated territories of Australia, New Zealand and the rest of them ? No. Therefore, the attitude we have taken is the correct attitude and that is that we will have nothing to do with this Bill. I do not want to take very much time of the House, but if it is not for the defence of British capital in foreign countries, or raw products or anything else, is it for the defence of Britain herself ? Do the *shers* and lions here expect that if Britain were invaded tomorrow they would be asked to defend her ? Make no mistake about it ; I know Englishmen as well as anybody else. He is patriotic enough not to ask you or anybody else to go and defend his country because he will defend it himself. And I say to all my countrymen, -be they Congressmen or others,---that in respect of this defence we must have the same self-respecting attitude as Britain would have when the defence of his own country is concerned. Therefore, Sir, without dilating on it, I want Indianisation. I want Indians to be admitted into the Royal Air Force and into the Navy. This Bill is a joke, and I will tell you how. Look at the percentage of Indians who have been admitted. As it is they have no admission into the Royal Air Force.

**An Honourable Member :** They are taken into the Indian Air Force.

**Dr. G. V. Deshmukh :** But do you know how many Indians there are in the Indian Air Force ? There are only three out of two thousand. Do you call that defence of India ? In the Navy we are not admitted.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : In the Navy they are admitted.

**Dr. G. V. Deshmukh :** What is the proportion of officers in the Royal Indian Navy ?

**Dr. Sir Ziauddin Ahmad :** They do not apply.

**Dr. G. V. Deshmukh :** They do not apply ! There have been questions in this House about the Royal Indian Marine, and I believe Dr. Ziauddin was absent on that day. How many of these cadets who have passed through the Royal Indian Marine have been employed in the Royal Indian Navy ? You do not know it.

**Dr. Sir Ziauddin Ahmad :** I know it much better than you do.

**Dr. G. V. Deshmukh :** You do not know anything. I am very sorry to be so impassioned, because I feel vitally on this. And I say it is a joke and an irony. We are not allowed to have admission either in the Army or in the Navy or in the Air Force, and still a Bill is brought up to say that we will go to prison if we try to dissuade persons from joining the Navy or the Air Force. Have you ever seen a better joke than this ?



I am not allowed to come into this house and yet if somebody says "Do not go into this house" then he is to be caught for dissuading me from going into a house into which I am ordinarily prevented from going. This is the position. Under the circumstances I think that the House would have done very well in rejecting this Bill altogether.

I said in the beginning that after the amendments which have been passed by my colleagues on my left I consider them a second best and it may be asked why do I, in spite of that, urge that the Bill should be rejected. It is for this reason: that I do not like the concentration of power into anybody's hands. I am sufficiently of a democratic tendency to know that power when concentrated in the hands of—it does not matter whether it is a foreigner or my own people—it is liable to be misused. I say it is liable to be misused. (Interruption.) You are merely supporting me when you say: "What about the misuse of power in the Working Committee?" I say the very example that my friend, Mr. Nairang, quoted is a sufficient argument against his own amendment that it should be given to the provinces. It is true, is it not, that he said that Mr. C. Rajagopalachari used this Criminal Law Amendment Act against the Congressmen themselves: very well, I take that argument of yours and I say that that is why I am not in favour of sending this Bill to the Provincial Governments. Your argument should have been in favour of rejecting that amendment and rejecting the Bill in toto. I do not want this Bill. Whatever this House might decide I will not make any pathetic appeals to any side of the House to vote for me or for what I am proposing. My duty merely is to put forward what I honestly feel over the whole subject. If others like to follow, very well, they may do so. If they do not, if not today then at some other later date they will realise that they have made a mistake when perhaps it may be too late. It is only from that point of view that I am putting my views before the House. I, therefore, say that considering that there has been even in this Bill, right from the drafting, whereas while in the Statement of Objects and Reasons the words British Empire occur, while the non-official protagonists of the Bill merely talked of India and defence of India, it all goes to prove that the Bill as it was brought forward was not honest to begin with. When it started with a dishonesty like this, it is no wonder that my Party should have seen through the game and suggested that the Bill should be thrown out. For the reason that I do not like that power should be concentrated in anybody's hands and that the power should be democratic in distribution, I will again appeal to the House to reconsider their decision and see whether it will not be advisable to throw away this Bill so that our children and our children's children may not have cause to curse us.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muham-madan Rural): Mr. President, I think it is rather significant that the Honourable the Defence Secretary should have moved the third reading of the Bill without a speech. I fear I cannot agree with my friend, Dr. Deshmukh, and I am very sorry to disagree with him, that the amendments just accepted have at all improved the Bill. I appeal to him to examine the situation as a distinguished surgeon that he is. Supposing some one was suffering from a big carbuncle; would he be satisfied with a small operation or would like a full major operation to be performed? Would not the wound fester if he was satisfied with the second best? I

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think this Bill cannot possibly be improved because it is so utterly bad from start to finish ; and, therefore, I cannot congratulate those friends of mine who are responsible for the amendments. I fear that the very fact that Government have accepted those amendments gives rise to legitimate suspicion. My dislike to this Bill, and to every other Bill or Act that can possibly make my countrymen servants of a foreign power, is so great that they will all have my strongest opposition. More times than I can remember I have said in this House and outside that I am not for Indianisation till we have got Swaraj ; for every countryman of mine who joins the service of the British Government in this country is used against ourselves. We see this, day after day, in this House and we see this, day after day, outside this House, and, therefore, my opposition to this Bill is due to my desire that no Indian shall join the British army. I make no secret of it. Whether this Bill is passed into law or not, I am going to say this inside this House, where I happen to be privileged, and outside this House, when I am not privileged : whether the punishment is for two years or one year or whether the punishment is what my Honourable friend, the Defence Secretary, would like, namely, a shot at sight I am going to say what I think is right.

In the course of this debate hard words have been spoken. I certainly have no idea to use any hard words. In fact I should like to follow the example of the Honourable the Law Member and speak as quietly and as calmly as I can. But one thing I should like to put out of my way immediately. Our Honourable friend, the Leader of the Muslim League, said and said quite rightly that he was anxious to save his neck. But as an elder, as one whom not only I but millions of my countrymen esteem, may I ask him whether he would like to save his neck by sacrificing other people's necks ? Surely men of his age will not be recruited. Will he like, I ask him as a person learned in law and in various other departments of intellectual endeavour, will he like that other people should recruit themselves and should die in air, in water and on land because his solitary neck may be saved ? No. I do not think he would like that to be done . . .

**An Honourable Member :** He wanted to save your neck also.

**Mr. Sri Prakasa :** I may be recruited ! Who will save my neck then ?

**Mr. M. A. Jinnah :** The Honourable Member is not representing me correctly. I did not mean that I wanted to save my neck only, but I wanted to say that I wanted to save the neck of my countrymen.

**Mr. Sri Prakasa :** I quite understand ; but how can the necks of our countrymen be saved by recruiting them and sending them to war ? The same argument applies to my Honourable friend, the Law Member. He referred, Sir, to List No. 1 and List No. 3 of some Act with which I am not familiar, but I have referred to List No. 1 of the new recruits, and I find his name leading the rest, only it is written in indelible but invisible white ink. Of course, old men are not going to be recruited, and that is why old men are most enthusiastic about war.

Sir, I should very respectfully like to remove some of the misunderstandings under which my Honourable friend,—and when I say my Honourable friend I am not merely using a parliamentary convention but

I mean what I say,—My Honourable friend, Mr. Ogilvie, is labouring. I may say straightaway, Sir, that I have personally the greatest regard for Mr. Ogilvie. I have had occasion to work with him in connection with another Bill in which I was interested, namely, the Military Manoeuvres Bill, and I found him a very sympathetic and considerate person. I want to assure him that we have no hatred for England as such. He suspects that we hate England and we would like the last Englishman to leave this country. I repeat we have no hatred for England as such. What we hate is British Imperialism. England and British Imperialism are two different things. There are many Englishmen themselves who are against British Imperialism. Does my friend mean to say that those Englishmen want every Englishman to clear out of England? No, that is not so. British Imperialism is a disease which wants the deft hands of Dr. Deshmukh to operate upon.....

**Dr. G. V. Deshmukh :** It is inoperable.

**Mr. Sri Prakasa :** We do not want that disease to come to us. Many of us, Sir, have Englishmen among our greatest friends. Many of us have had the privilege of being educated in England. Even Dr. Deshmukh sends his nephew to England. How can we possibly hate England? We do not hate England at all. Those of us who have read English literature, those of us who have revelled in English political philosophy, those of us who want English political institutions to be established in India, cannot possibly hate England; but we hate British Imperialism, and every fibre of our body hates that disease, and we will see that it is taken out.

My friend, Maulana Zafar Ali Khan, said that he feared Hindu Imperialism. If there is anything like Hindu Imperialism, he will find me fighting against that Imperialism before he himself comes in front to fight it. I hate all Imperialisms. My friend said further that he was not going to be led by the eyes by the Congress or by the nose by the Government. He says he is independent. I pray that he may keep both his eyes and nose intact, and when at division time we go separately into the 'ayes' and the 'noes' lobbies, I beg him to go out by the middle door and down the steps and far away. We shall be fully satisfied.

Then, my Honourable friend, Mr. Ogilvie, feared that we wanted the last Englishman to leave India. That is impossible. For 300 years we have had mutual associations of all sorts. In the beginning, many Englishmen married in India; latterly, many Indians are marrying in England; and when such blood ties are created, they cannot be severed. The first Englishman arrived in India in the beginning of the 17th century, if I am not mistaken, and after so many centuries of association, let Mr. Ogilvie be assured that though he himself and the members of his service always go away and never call the country that feeds them as their home and call some other country as their home, there would be many Englishmen who would like to remain in India and serve our people in an unofficial capacity to the best of their power and their intelligence. To such Englishmen I bow with affection and with gratitude.

Then, Sir, my Honourable friend also mentioned the subject of loyalty. Now, the subject of loyalty is a double-edged sword. Loyalty means that two persons swear loyalty to each other and promise to be loyal to each other. And, Sir, though

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Mr. Ogilvie may feel that the oath of loyalty that we have taken deprives us of the right to oppose this Bill, I should also like to call his attention to the other part of the oath which says : ' We shall faithfully perform the duties on which we are about to enter '. May I respectfully ask my friends opposite, specially the Indian variety, to put their hands upon their hearts and say that when they march into the lobby they are faithfully discharging their duties on which they were about to enter when they took that oath ? Moreover, Sir, loyalty in this particular case is loyalty to a person, to the person of the King and not to all those who act in his name, and let me assure my friend that no harm can come to the person of the King from any Member on this side of the House.

And, Sir, my learned friend and elder, Mr. Aney, very feelingly referred to another aspect of the thing. It has been proved by recent events that India can be more loyal to the King than England, and that what the Englishman seems to love is more his Imperialism than his King or his country. In fact, I had heard when I was a boy that it was difficult to argue anyone into slavery in the English language ; but now a-days, evidently, it is easy to argue in that same tongue speaking the borrowed jargon of Imperialism.

Now, Sir, I come to my friend, the Punjab civilian, and his maiden speech. I, Sir, almost felt that that speech was a thrice-widowed one. Sir, my friend was talking of mass contacts he has with the Punjab villages. The mass contact must be in the nature of a collision, and when, Sir, he can talk in this House in the manner he did when the world was listening to him, how must he be talking in the Punjab villages in his position as a privileged official ? I am glad in a way, Sir, that he spoke in the strain he did. I have always had the suspicion that it is the Government servant that creates communal riots. And if my friend could, in that language almost frenzied in its eloquence, appeal to some Members of the House in the name of communalism, to support the Bill, what must he be saying in the villages ? What must the Hindu official be saying to his brother Hindus ; and what must the Muslim be saying to his brother Muslims ? And when a riot takes place which they themselves create as the result of such activities on their part, they are nowhere to be seen. I think the Punjab Government will be wise to take into consideration the speech that my Honourable friend has uttered and to warn him and all their subordinates, Hindu, Muslim, Sikh or of any or no faith, that they are not to talk like this, they are not to appeal to one section of the people to go against another section when certain things are done or not done.

It is unfortunate that this great land of the Punjab has always been the hunting ground for those who are in search of mercenaries. We all know that Babar himself came to the Punjab to recruit mercenaries in order to meet his enemies in his own homeland of Fergana. And Babar found that it was easier to stay on in the Punjab than go back to his own place with mercenaries. I want very seriously to say that the Punjab should no more be the land of mercenaries, but the land of patriots ; of persons who are not going to give their blood for the sake of money but for the sake of love. I should have had no objection if my Honourable friend had introduced into the Bill some sort

of a clause to the effect that those who are recruited will be paid nothing, that they must come through sheer love of the Empire and through sheer love of fighting. That would be the proof of sincerity. But that is not so.

At this juncture, Sir, I should seriously ask the Honourable the Defence Secretary to tell me how this Act will really work. My Honourable friend, Dr. Deshmukh, has said that his nephew wanted to get into the Air Force and that somebody in authority said that he could not get in. Will this Act apply to that man who prevented my friend's nephew from getting into the Air Force? Will the man, who refuses to enlist an Indian who applies for a job in the military, be regarded as preventing a person from entering the military and will he be punished with two years, or, say, even one year of imprisonment in consequence? That question I should like my Honourable friend to answer when he gets up again. Then, Sir, what exactly is a soldier? The great English writer, George Bernard Shaw, has defined a soldier as a person who is hired to be shot. I should like to add to that definition,—that he is a person who struts about till he is shot. What purpose a soldier fulfils in social life I have yet to understand. I can understand the utility of a policeman but I cannot understand the duties of a soldier. He dresses well, he struts about as if he is the lord of everything; and when, of course, he is asked to go to fight he risks his neck.

**Captain Sardar Sir Sher Muhammad Khan** (Nominated Non-Official) : Go to the Frontier and see.

**Mr. Sri Prakasa** : Yes, yes. My Honourable friend is always talking of the Frontier. We have frontiers everywhere. Is there any law and order in this country? Go to the countryside. Is there anybody there to protect our men, women or children? No one. The police appear, the military appear, long after a fight has taken place, long after a murder has been committed. The ordinary villager in the field with whom I am in touch—let not my Honourable friend talk too much about the Punjab and the Frontier and the rest of it—every single villager, man, woman and even child, has to protect his or her own life at every step by the strength of his or her own arm. There is no policeman anywhere. The *thanas* are very far away, but fights take place every second day or every second moment. Little things may create a row and *gandas* and *dandas* come out at a moment's notice. The Frontier may be far away or near; but our homes are all near and dear to us; and if we in the countryside were not equipped with our sticks,—unarmed as we otherwise are—to protect our homes, the military or the police will not be anywhere there to help us.

Sir, when persons beyond the age of being recruited want other people to enlist, they should remember one or two things. When a person is actually killed in war there are his widow and his children to take care of. My Honourable friend, the Civilian from the Punjab, said that the Punjab were dying to fight. Why were they dying to fight. Because they were dying for want of bread; and they wanted bread. Nothing can condemn the British administration in India more than this, that our countryside should have been so impoverished that they cannot honestly raise from their fields sufficient for themselves and

[Mr. Sri Prakasa.]

their families ; and they wanted war, they wanted other nefarious and improper methods in order to make both ends meet. But, after all, it must be remembered that the salaries of the soldiers are to be paid by those who are still left on the fields to till. The salaries of the soldiers are not to drop from heaven ; they are not to come from any foreign lands. They have to be found here and now. A brother, who goes to war and leaves his fields, leaves them to be tilled by another brother who has to labour for both of them, and to pay for the soldier-brother besides who has gone to the war and take care of his family at home as well. Yes, these gentlemen from the Punjab—I know the variety—tell me : “ No, no. All the money we give comes back to us because there are so many soldiers who have been getting salaries and so many till the lands ”. That is the argument. Where does the money come from ? It comes, after all, from their other brothers, who may be from other parts of the country. A man must be very parochial in his outlook when he says, “ Let my village be self-sufficient and let others starve ”. My Honourable friend from the Punjab called those who go about pleading with and preaching to the people as hired persons on Rs. 10 or 20 a month. It is a funny thing that when you are hired for Rs. 2,000 a month you are a patriot, and when you are hired for Rs. 10 or 20 a month you are a mercenary ! This sort of thing cannot go down our gullets.

We have seen lots of those civilians, deputy magistrates and such other people who go about and encumber our land and make the fight for freedom such a difficult thing, because they are paid by some other people in order to keep us away. I have been through two or three non-violent fights, and it may be that I may have to go through one or two violent ones also when this Bill becomes law. I know the type with which I have to deal and that is why my heart has always been against Indianisation. However I may vote in this House, I am against Indianisation so long as a foreign power remains in my country. I shall ask my Honourable friend, the civilian, to tell me, how is it that when the people are bursting to fight, they do not fight ? What prevents them from fighting ? The martial races of the Punjab—why cannot they fight ? We want them to fight—fight proper quarters. Yes. You want fight. Well, fight. They want fight. Well let them fight. It is the easiest advice that you can give. Why do you have punitive police to prevent them from fighting ? You want fight, they want fight. Well, let all fight.

Now, Sir, just as my Honourable friend from the Punjab condemned British rule by saying that that rule has reduced  
 5 P.M. us to so much penury that we cannot make sufficient bread in our own homes, so did my honoured and learned friend, Syed Ghulam Bhik Nairang, also condemn that rule.

**Mr. President** (The Honourable Sir Abdur Rahim) : Would the Honourable Member like to continue his speech tomorrow ?

**Mr. Sri Prakasa** : Yes, Sir.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th August, 1938.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 24th August, 1938.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### EFFECT OF THE SINO-JAPANESE WAR ON THE FOREIGN TRADE OF INDIA.

422. **\*Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) the effect of the Sino-Japanese war on the foreign trade of India ;
- (b) whether Japan's purchase of Indian cotton or any other articles has suffered in consequence ; and
- (c) if so, whether Government have taken any steps to counteract the bad effects of the war on our trade ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The effect of the Sino-Japanese hostilities on the total foreign trade of India is not capable of precise estimation.

(b) Japan's purchases of Indian cotton and certain other articles have decreased and this decrease is apparently due to the Sino-Japanese hostilities.

(c) Government do not consider that any action is possible.

**Mr. T. S. Avinashilingam Chettiar** : May I know what is the estimate of the trade with Japan that has decreased ?

**The Honourable Sir Muhammad Zafrullah Khan** : In the first six months of 1937, the exports to Japan were Rs. 3,11 lakhs, and in the last six months only Rs. 96 lakhs,—though, in the first six months of this year, they have risen again to 1,22 lakhs.

**Mr. T. S. Avinashilingam Chettiar** : May I know if the imports from Japan have correspondingly increased, or decreased ?

**The Honourable Sir Muhammad Zafrullah Khan** : They first increased and then decreased.

**Mr. S. Satyamurti** : With regard to cotton, are Government in a position to give us figures of the reduction in the export of cotton from India to Japan ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member will put down a question, I shall give him the figures.

**Mr. S. Satyamurti :** In view of the fact that cotton stocks are still accumulating in the godowns here, and in view of the next crop, will the Honourable the Commerce Member kindly see that some steps are taken with regard to the disposal of this cotton at reasonable prices ?

**The Honourable Sir Muhammad Zafrullah Khan :** To Japan or to some other country ?

**Mr. S. Satyamurti :** To Japan.

**The Honourable Sir Muhammad Zafrullah Khan :** I am prepared to consider any proposals that the Honourable Member may make.

**Mr. S. Satyamurti :** Have not Government consulted Indian interests, and have not these given the Government any proposals ?

**The Honourable Sir Muhammad Zafrullah Khan :** One proposal is to stimulate the exports of cotton to the United Kingdom.

**Prof. N. G. Ranga :** Have Government any proposal to call for another crop-planning conference with a view to persuading the Provincial Governments to take the necessary steps to bring down the acreage under cotton ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question ought to be addressed to the Secretary, Department of Education, Health and Lands.

**Mr. T. S. Avinashilingam Chettiar :** In view of the fact that the export of cotton has decreased, are Government taking any specific steps to increase the export of cotton ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not in the question.

**Mr. T. S. Avinashilingam Chettiar :** I am asking whether Government have taken any steps to counteract the bad effects of the Sino-Japanese war and one of the effects is the decrease of cotton ?

**Mr. President** (The Honourable Sir Abdur Rahim) : He has answered that.

**Mr. T. S. Avinashilingam Chettiar :** I asked if steps were taken and there was no answer ?

**The Honourable Sir Muhammad Zafrullah Khan :** I read out the answer.

**Mr. S. Satyamurti :** Sir, if you take (b) and (c) together, there was no answer to the question whether steps were being taken to stimulate the export of cotton ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.



## COMPANIES SUPPLYING PETROL.

423. \***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) how many companies are supplying petrol needed by India ;
- (b) whether he is aware of any understanding amongst those companies about the price at which they sell it, thus amounting to a virtual monopoly ; and
- (c) whether Government are satisfied that they do not make unconscionable profits out of this position ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Eleven.

(b) Government are not aware of any such understanding.

(c) Does not arise.

**Mr. T. S. Avinashilingam Chettiar** : May I know whether Government are aware of petrol sales being made at the same price by the various companies at the same place ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have answered that question before.

**Mr. T. S. Avinashilingam Chettiar** : He has answered about petrol being sold at the same price at the same place by the same companies. Does that happen without any understanding ?

**Mr. S. Satyamurti** : We want to know if it is within the knowledge of the Government, after inquiry, whether there is, or there is not, an understanding amongst all these companies to sell petrol at a particular price ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have given a reply to that.

**Sardar Sant Singh** : Are Government aware that the price of petrol at the port of entry is one anna and six pies per gallon ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought to find out the facts by some other means.

**Mr. T. S. Avinashilingam Chettiar** : On the question whether the companies are making, or are not making, any unconscionable profits as a result of the combine, have the Government inquired into the matter ?

**The Honourable Sir Muhammad Zafrullah Khan** : There was no necessity to make an inquiry. The Honourable Member's question in this part was dependent upon there being a reply in the affirmative to his previous question.

**Mr. President** (The Honourable Sir Abdur Rahim) : This matter has been fully dealt with. Next question.

## HELP TO THE HANDLOOM INDUSTRY.

424. \***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) whether Government have examined the views expressed in the last Industries Conference with regard to the help to be given to the handloom industry (reference starred question No. 241, dated the 14th February, 1938) ; and

(b) if so, what conclusions they have come to in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) Orders have been issued accepting the various recommendations of the Conference except in one case, namely, that relating to competition between the mills and the handloom weavers. The views expressed at the Conference on this subject are still under examination.

**Mr. S. Satyamurti :** May I know if Local Governments are going to be consulted before the Government of India come to a decision in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** With regard to all recommendations made by the Conference, Local Governments are always consulted.

**Prof. N. G. Ranga :** Will Government place on the table of the House the conclusions reached and the action to be taken thereon ?

**The Honourable Sir Muhammad Zafrullah Khan :** The matter is under examination.

**Prof. N. G. Ranga :** I am asking in regard to the other recommendations accepted by the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** I will consider that.

**Mr. T. S. Avinashilingam Chettiar :** May I know what is the financial effect of the recommendations that have been accepted ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say.

**Prof. N. G. Ranga :** Is it not a fact that the Conference wanted the subvention to be increased, and if so, what is the conclusion of the Government of India on that ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I will require notice.

**Mr. T. S. Avinashilingam Chettiar :** Have Government accepted some of these recommendations without knowing the financial effect ?

**The Honourable Sir Muhammad Zafrullah Khan :** I said I would require notice.

#### CONSIDERATION OF THE RESOLUTION *re* CONSULTING THE LEGISLATIVE ASSEMBLY ON TRADE AGREEMENTS.

425. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) whether Government have considered the Resolution passed by the House on 1st April, 1938, that no steps should be taken to conclude a fresh Indo-British Agreement, or any trade agreement of a similar nature without first consulting the Assembly ; and

(b) if so, what conclusion they have come to ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) The Honourable Member's attention is invited to the speech made on the 1st April, by the Government spokesman during the debate on the Resolution in question. Government have nothing further to add to what was said on that occasion.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government have considered this Resolution *after* it was passed and *after* the speech to which he refers was made ?

**The Honourable Sir Muhammad Zafrullah Khan :** The position, as stated there, was that Government must first know whether there is going to be a trade agreement before they can decide what they will do about it.

**Mr. S. Satyamurti :** May I know what the latest position is in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** The latest position is—as probably the Honourable Member is aware—that certain proposals which were placed before the unofficial advisers are being considered by them.

**Mr. T. S. Avinashilingam Chettiar :** Do they expect to come to a conclusion before the end of the session ?

**The Honourable Sir Muhammad Zafrullah Khan :** The unofficial advisers have intimated that they will probably be in a position to place their views before Government after the 3rd September.

**Prof. N. G. Ranga :** Have Government taken sufficient care to see that the interests of the handloom weavers are properly safeguarded in these discussions ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have stated on previous occasions, Government are keeping in mind all the factors which have been placed before them.

#### CHARTERED ACCOUNTANTS IN INDIA.

426. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) whether they have considered the question of instituting the enquiry promised by the Honourable the Law Member on the 6th October, 1936, with regard to establishing in India a class of higher accountants, who will be designated as Chartered Accountants (reference his answer to starred question No. 1196, dated the 6th April, 1938) ;

(b) if so, whether the enquiry has been made ; and

(c) with what effect ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The question is under consideration.

(b) and (c). Do not arise.

## DEPUTATION REPRESENTING COCOANUT INTERESTS FROM TRAVANCORE.

427. **\*Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) whether a deputation from Travancore waited on him for the protection of the cocoanut industry ;
- (b) whether he agreed to the demand, raising the import Tariff duty to Rs. 100 per ton ; and
- (c) the result of the deputation ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (c). I would refer the Honourable Member to the answers given by me on the 15th August to Mr. K. Santhanam's starred question No. 202 and its supplementaries.

(b) No, Sir.

**Prof. N. G. Ranga** : Has any progress been made since then ?

**The Honourable Sir Muhammad Zafrullah Khan** : It is now only a few days since then.

## REPORT OF THE NON-OFFICIAL DELEGATION ON THE TRADE TALKS IN SIMLA.

428. **\*Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) whether it is a fact that some commercial organisations requested Government to publish the report submitted by the non-official delegation during the recent Simla trade talks ;
- (b) the reason for not publishing the report ;
- (c) whether Government now consider the desirability of publishing the report ; and
- (d) whether he will lay a copy of the report on the table ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Yes, Sir.

(b) to (d). Government are not prepared during the course of the negotiations to make public the nature or details of the advice tendered by the unofficial advisers.

**Mr. S. Satyamurti** : Is it a fact that the unofficial advisers themselves recommended that the Government should publish their memorandum ?

**The Honourable Sir Muhammad Zafrullah Khan** : I believe so.

**Mr. S. Satyamurti** : May I know the reason why the Government of India turned down the recommendations ?

**The Honourable Sir Muhammad Zafrullah Khan** : Because it would not be in the interest of the negotiations to publish any portion of the recommendations piecemeal.

**Mr. S. Satyamurti** : Have the non-official advisers given their consent to this non-publication ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not think it is necessary to get their consent. That point of view has been explained to them.

**Seth Govind Das :** Is it not a fact that the views of the people in England who are interested in these negotiations are generally published in the newspapers of that country ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of that.

**Prof. N. G. Ranga :** May I ask why the Government of India did not protest to the Lancashire Delegation for publishing their criticism on the views of the Indian Delegation ?

**The Honourable Sir Muhammad Zafrullah Khan :** There was no occasion for a protest. Publication was given to the views of the interests concerned in both countries.

**Mr. M. Ananthasayanam Ayyangar :** Will Government have any objection if the non-official advisers publish their views of their own accord ?

**The Honourable Sir Muhammad Zafrullah Khan :** I should leave it to the non-official advisers to ask the Government about it.

#### LEGISLATION TO PROTECT THE INTERESTS OF INDIAN SHIPPING IN THE COASTAL TRAFFIC OF INDIA.

429. **\*Seth Govind Das :** Will the Honourable the Commerce Member please state :

- (a) whether Government are aware of the strong feeling of the people of the country expecting Government to bring forward a comprehensive measure for legislation to protect the interests of Indian shipping in the Coastal Traffic of India ;
- (b) whether he has considered the desirability of framing such a measure ; and
- (c) the result of such consideration of Government in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government are aware that in some quarters there is a desire for such legislation.

(b) and (c). The attitude of Government on this question was explained recently during the debate on Sir Abdul Halim Ghuznavi's Bill to control the coastal traffic of India.

**Mr. S. Satyamurti :** With regard to the answer to part (a) of the question, may I know whether it is in the knowledge of Government that there are any Indian quarters which do not want a measure of legislation to protect the interests of Indians in the coastal traffic of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** My information does not extend to the possession of views of all quarters.

**Mr. S. Satyamurti :** In answer to the question 'whether Government are aware of the strong feeling of the people of the country expecting Government to bring forward a comprehensive measure, etc.', the Honourable Member said 'in some quarters', the suggestion being that other quarters do not entertain that feeling. I am asking whether, to his knowledge, there is any Indian feeling in this country which is against the legislation to protect the Indian interests in coastal shipping.

**The Honourable Sir Muhammad Zafrullah Khan :** It is very difficult to answer that question unless opinions are called for.

**Mr. T. S. Avinashilingam Chettiar :** In view of the feelings in the country, do Government propose to bring any legislation on this behalf ?

**The Honourable Sir Muhammad Zafrullah Khan :** This question was put during the course of the debate and it was answered.

**Mr. S. Satyamurti :** The answer was in the negative, but may I ask whether the Government propose to take any steps, legislative or otherwise, or by convening a Conference, to increase the proportion of Indian interests in the coastal shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe the proportion is increasing as it is.

**Mr. S. Satyamurti :** What is the proportion now ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say specifically what the proportion is without notice.

**Mr. T. S. Avinashilingam Chettiar :** Are the Government satisfied about the extent of the trade of Indians ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is not the kind of question that Government could undertake to answer.

**Mr. Manu Subedar :** May I ask whether the Government will arm themselves with legal powers where there is cut-throat war ?

**The Honourable Sir Muhammad Zafrullah Khan :** I think there is a question with regard to that which has been put down for Monday next.

#### REPORT OF THE TARIFF BOARD ON THE SUGAR INDUSTRY.

430. **\*Seth Govind Das :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether the Sugar Tariff Board have submitted their report ;
- (b) whether Government have come to any decision on the findings of the Board ;
- (c) whether he intends publishing Government's views on the findings of the Committee by means of a resolution ; and
- (d) whether he intends bringing in a new Bill during this or the next Session, or whether the present Act is to be extended ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) No. The Report is still under consideration.

(c) and (d). Government cannot anticipate their decision before they have finished consideration of the Report.

**Seth Govind Das :** May I ask why there is such a delay in the publishing of this report ?

**The Honourable Sir Muhammad Zafrullah Khan :** Because it is still under consideration and it is not usual to publish these reports before Government have come to a decision regarding the recommendations.

**Seth Govind Das :** Is it a fact that this report is not being published because it has said something which the Government do not want to adhere to ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. S. Satyamurti :** Apart from the practice on which my Honourable friend relies, may I know what are the specific reasons which have prompted the Government not to publish the Tariff Board Report before they make up their mind on the report ?

**The Honourable Sir Muhammad Zafrullah Khan :** The main reason is, that it would start a controversy and would disturb the industry under consideration if it was not known at the same time what action Government proposed to take.

**Mr. Mannu Subedar :** May I ask whether the Government will consider the advisability of publishing the report *minus* one or two paragraphs of a financial nature which they may not think advisable to publish just now ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Dr. Sir Ziauddin Ahmad :** May I ask whether the Government are contemplating to reduce the quantum of protection on sugar ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is perfectly obvious that if the Government are not in a position to publish the report, they cannot answer that question.

**Mr. N. V. Gadgil :** Will the report be published before the presentation of the Budget ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say when it will be published.

**Mr. T. S. Avinashilingam Chettiar :** Is it not a fact that the non-publication of this report has left the industry in great doubt and difficulty ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is a very difficult question to answer. I suppose the interests that are affected would naturally wish to know what is likely to happen.

**Seth Govind Das :** Are Government aware that in view of the fact that the sugar season is approaching, it would be extremely unfair to the factory owners if this report is not published at an early date ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. S. Satyamurti :** Are Government aware that the extension of the sugar tariff only to the end of this financial year has caused a great anxiety in the industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir : Government are not so aware.

#### CREATION OF PROVINCES ON LINGUISTIC BASIS.

**431. \*Seth Govind Das :** Will the Honourable the Law Member please state :

- (a) whether Government's attention has been drawn to the agitation in the country with regard to the creation of provinces on linguistic basis ;
- (b) whether they have corresponded with the Secretary of State, denoting the public opinion in the matter ;
- (c) if so, whether he will lay a copy of the entire correspondence on the table ;
- (d) if not, whether he will give a gist of the communication on the subject ; and
- (e) whether he will make a statement on the floor of the House about the attitude of Government and that of the Secretary of State in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** This question should have been addressed to me and not to the Honourable the Law Member.

I have nothing to add to the reply given by me to Mr. Santhanam's question No. 62 on the 9th August, 1938.

**Prof. N. G. Ranga :** Will Government have any objection to the creation of self-maintaining provinces ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I am unable to follow the question.

**Prof. N. G. Ranga :** Have Government any objection to the creation of those provinces which will pay their own way ?

**The Honourable Sir Muhammad Zafrullah Khan :** How will a province pay its own way ?

**Prof. N. G. Ranga :** It will balance its own budget.

**Mr. M. Ananthasayanam Ayyangar :** Will the Government communicate to the Secretary of State that there is a volume of opinion in this country for the creation of a separate province ?

**The Honourable Sir Muhammad Zafrullah Khan :** The questions and answers in this House are always available to the Secretary of State.

#### REFUSAL TO RENEW THE LEASES OF LANDS ACQUIRED BY INDIANS IN FIJI.

**432. \*Mr. Govind V. Deshmukh :** (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Fijian chiefs have refused to renew the expiring leases of lands acquired by Indians ? If so, on what grounds ?



(b) Were these leases obtained by the Indians with the consent of the Fijian Government ?

(c) Have Government taken, or do they intend to take, any steps to see that these Indians are not put to any financial loss or thrown out of employment ?

**Sir Girja Shankar Bajpai :** (a) So far as the Government of India are aware, the answer to the first part is in the negative. The second part, therefore, does not arise.

(b) Yes.

(c) The question of safeguarding the interests of Indians in Fiji continues to engage the close attention of Government.

**Mr. T. S. Avinashilingam Chettiar :** Are the Government satisfied that the leases which have expired are being renewed satisfactorily from the point of view of the Indians ?

**Sir Girja Shankar Bajpai :** Recently I had an occasion to discuss this question with an *ex*-Member of the Fiji Legislative Council and he informed me that in many cases the leases have not yet fallen in and that the problem is likely to arise three years hence.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether there is any propaganda going on in Fiji that those leases which have expired should not be renewed ?

**Sir Girja Shankar Bajpai :** I am not aware of such propaganda.

**Mr. T. S. Avinashilingam Chettiar :** Is it entirely at the option of the Fiji Chief to refuse to renew the lease ?

**Sir Girja Shankar Bajpai :** The provision in the lease is for a duration of 30 years. At the end of 30 years, it would be within the option of the Fijian Chiefs to renew it or not.

**Mr. S. Satyamurti :** Are Government keeping themselves in touch with things in Fiji ? Thirty years is a long time and anything may happen in the meantime. Are they keeping themselves in touch with events in Fiji, to see that no prospective loss occurs to Indians ?

**Sir Girja Shankar Bajpai :** There is another question on the same subject by my Honourable friend, Mr. Joshi. My friend might wait till that question is reached.

**Mr. K. Santhanam :** May I ask if the Government of India are pressing upon the Government of Fiji to enact a tenancy law to perpetuate these tenancies ?

**Sir Girja Shankar Bajpai :** The whole question of land tenure is, I believe, engaging the attention of the Secretary of State for the Colonies.

**Mr. K. Santhanam :** I want to know whether the Government of India have made any representations in the matter ?

**Sir Girja Shankar Bajpai :** When the matter is engaging the attention of the Secretary of State for the Colonies and the Government of India, as I have said in reply to part (c), are safeguarding the interests of Indians as far as they can, my Honourable friend may very well infer that the Government of India are also in touch with the Colonial Office.

**REFUSAL TO RENEW THE LEASES OF LANDS ACQUIRED BY INDIANS IN FIJI.**

433. **\*Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether the Government of India are aware that Indian tenants of Fijian landlords are in great apprehensions regarding the renewal of leases of their lands, a great many of which are due to fall in at the present time ;
- (b) whether Government are aware that the Council of Fijian Chiefs had recommended that the control of land should vest in the Government of Fiji ;
- (c) whether Government are aware if the request has been complied with ; and
- (d) whether Government propose to depute some of their officers to watch the situation on the spot in Fiji and keep the Government of India informed promptly of developments ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) Government understand that the matter is under consideration by His Majesty's Government.

(d) The question is engaging the attention of the Government of India.

**PUBLICATION OF A MEMORANDUM REVIEWING THE POSITION OF INDIANS OVERSEAS.**

434. **\*Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state whether Government propose to publish every year a memorandum reviewing the position of Indians overseas somewhat on the lines of the " Colonial Empire in 1937-38 ", published by the British Colonial Office recently ?

**Sir Girja Shankar Bajpai :** Government already publish an annual review of important events affecting Indians in different parts of the British Empire and also make available to the press other reports which give more detailed information regarding Indians who have settled in certain colonies. They have just received a copy of the report ' The Colonial Empire in 1937-38 '. After examining it they will decide whether their own Annual Review requires revision in the light of the British publication.

**Mr. T. S. Avinashilingam Chettiar :** Will Government consider the advisability of circulating these copies of reviews to all Members of the House ?

**Sir Girja Shankar Bajpai :** I will consider the suggestion.

**Mr. M. Ananthasayanam Ayyangar :** Is there any truth in the report that the highlands of Kenya are likely to be given to the Jews ?

**Sir Girja Shankar Bajpai :** There is a short notice question on that subject and I will deal with it in due course.

#### REDUCTION IN THE WAGES OF INDIAN LABOURERS IN MALAYA.

435. **\*Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that wages of Indian labourers in Malaya have been cut down and further reductions are contemplated ;
- (b) whether it is a fact that the wages of Chinese labourers on the rubber estates have not been adversely affected, or, at any rate, not equally with those of Indians ; and
- (c) what are the comparative fluctuations in the wages of Indian and Chinese labourers since the publication of the Sastri Report ?

**Sir Girja Shankar Bajpai :** (a) The wages of Indian labourers in Malaya have been reduced by ten per cent. but the further reductions which were contemplated have not been carried out.

(b) and (c). No definite information is available but it is understood that the average minimum rates paid to Chinese tappers at present are 20 per cent. less than those paid in 1937. The decrease in the rates of wages for Indian labourers over the same period is ten per cent.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether the further reduction which was contemplated and which was not carried out has been simply postponed or has been given up altogether ?

**Sir Girja Shankar Bajpai :** As far as I know it has been postponed.

**Prof. N. G. Ranja :** Taking the basic figures, was there any difference in the wages paid between the Chinese labourers and the Indian labourers ?

**Sir Girja Shankar Bajpai :** The position as regards that is this. There is no such thing as basic wages fixed for the Chinese and they are not paid by the day either. They are paid according to piece-work rates and I believe that they used to get something like 25 per cent. more than Indians.

**Mr. T. S. Avinashilingam Chettiar :** The Honourable Member said that the contemplated further reduction in wages was postponed. May I know if it is going to come after some time ?

**Sir Girja Shankar Bajpai :** I cannot really prophesy as to what the effect or the ultimate result of the postponement is going to be.

**Pandit Lakshmi Kanta Maitra :** What was the reason for this reduction being given effect to ?

**Sir Girja Shankar Bajpai :** The reduction in wages as far as I know was given effect to from 1st May, 1938, and if my Honourable friend wishes to know the reason for it, I would refer him to the communiqué which the Government of India issued sometime ago dealing generally on the subject. I cannot give the details at present.

**Mr. M. Ananthasayanam Ayyangar :** What steps have been taken to avoid discrimination between the wages paid to the Chinese and those paid to Indians ?

**Sir Girja Shankar Bajpai :** There is no discrimination at all. The Chinese tapper, according to the information which our Agent has sent us, turns out roughly 25 per cent. more work than the Indian.

#### EMIGRATION OF INDIAN LABOURERS TO MALAYA.

436. **\*Mr. N. M. Joshi :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether Government will kindly give information on the following points since the publication of the Sastri Report :

- (i) the number of Indian labourers who emigrated to Malaya by recruitment ;
- (ii) the number of those who migrated voluntarily ;
- (iii) the number of those who were assisted to return to India ;
- (iv) the number of those who returned on their own, and
- (v) the extent of unauthorised but assisted emigration of Indian labourers to Malaya ?

(b) Do Government contemplate the prohibition of the emigration of Indian labour, assisted or otherwise, to Malaya unless a minimum living wage is guaranteed to Indian labourers ? If not, why not ?

**Sir Girja Shankar Bajpai :** (a) I place a statement on the table.

(b) Government have already prohibited assisted emigration to Malaya. No action in regard to unassisted emigration is feasible until the present law is changed.

#### *Statement.*

(a) (i) 54,849 labourers were assisted to emigrate in 1937 and 4,410 between January and June, 1938.

(ii) 50,128 in 1937 and 13,501 between January and June, 1938.

(iii) Repatriates in 1937 were 6,566 and 13,247 between January and June, 1938.

(iv) Labourers who returned paying their own passages in 1937 were 23,054 and 17,874 between January and June, 1938.

(v) No definite information is available.

#### ARCHAEOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

437. **\*Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

- (a) whether Sir Leonard Woolley is being imported in connection with the recent activities of the Archaeological Department ;

(b) what the reasons are for that importation ; and

(c) what the terms, conditions, and period of his appointment are ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) I would invite the Honourable Member's attention to the Press communiqué issued by Government on the 16th June, 1938.

(c) For the terms of the engagement, I would refer the Honourable Member to the statement laid by me on the table of this House on the 9th August, 1938, in reply to part (a) of starred question No. 52 by Mr. Brojendra Narayan Chaudhury. Sir Leonard's services have been secured for a total period of 3½ months.

**Mr. S. Satyamurti :** With reference to part (b) of the question, may I know whether the Government were satisfied and, if so, how, that there was no Indian capable of doing this work and that therefore this gentleman should be imported ?

**Sir Girja Shankar Bajpai :** The invitation to Sir Leonard Woolley was issued after consultation with the head of the department of Archaeology who, as my Honourable friend is aware is a very distinguished Indian—Dr. K. N. Dikshit. His opinion was that considering the kind of work that Sir Leonard Woolley had been doing, it would be really an advantage to those engaged in archaeological work in India to get him out to this country for a short time.

**Mr. S. Satyamurti :** May I know whether during these 3½ months Sir Leonard Woolley will merely advise Indian archaeologists or will do any work here ?

**Sir Girja Shankar Bajpai :** He will visit the archaeological exploration work in particular which is in progress now and advise the Director General of Archaeology in general. He is not going to undertake any excavation work himself.

**Mr. S. Satyamurti :** Will the Government call for a report from him at the end of 3½ months on the work he has done, and place it on the table of the House ?

**Sir Girja Shankar Bajpai :** My Honourable friend may rest assured that Sir Leonard Woolley will have to submit a report to the Government of India and my Honourable friend's suggestion whether to keep it on the table of the House or in the Library will receive due consideration.

**Mr. M. Ananthasayanam Ayyangar :** Who started the idea of bringing in this expert ?

**Sir Girja Shankar Bajpai :** The Department itself.

#### POSITION OF INDIAN LABOUR IN MALAYA.

438. **\*Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

(a) the latest position of Indian labour in Malaya ;

- (b) whether Government propose to take any steps to prevent unauthorised emigration of labour to Malaya ;
- (c) whether Government propose to legislate so as to give themselves the power to prevent unauthorized emigration by amending the Emigration Act, and, if so, when ; and
- (d) whether Government propose to take prompt and effective steps to see that the interests of Indian labourers in Malaya are adequately protected ?

**Sir Girja Shankar Bajpai :** (a) The wages of Indian labour on plantations in Malaya were recently reduced owing to the reduction in the export quota of rubber from 90 per cent. in 1937 to 45 per cent. in 1938. The Government of India are not aware of any other change.

(b) Strict orders have already been issued by the Government of Madras in this connection.

(c) As the Honourable Member is aware, Government have already introduced a Bill to amend the Indian Emigration Act, 1922, with a view to the control of voluntary or unassisted emigration for unskilled work.

(d) The Honourable Member may rest assured that the Government of India will, as in the past, do their utmost to safeguard the legitimate interests of Indian labour in Malaya.

**Mr. S. Satyamurti :** With reference to part (c), may I know if this legislation will be put through this Simla session ?

**Sir Girja Shankar Bajpai :** That is the intention of the Government

**Mr. S. Satyamurti :** With reference to part (a), apart from wages, on the other questions, such as educational facilities, sex ratio, medical relief, general treatment, etc., contemplated in Mr. Sastri's report, have Government made enquiries and satisfied themselves that improvements have been or are being effected ?

**Sir Girja Shankar Bajpai :** I have had occasion on previous occasions to answer questions in this House on the action taken on Mr. Sastri's report. I think it would be rather difficult for me to specify here and now all the answers which the Malayan Government have given with regard to each of the recommendations of Mr. Sastri.

**Mr. S. Satyamurti :** Will Government issue a communiqué now or sometime later on as regards the general position of Indians in Malaya apart from wages on which my Honourable friend has made a categorical statement ?

**Sir Girja Shankar Bajpai :** I think that it is not necessary to issue a communiqué about the general position of Indians in Malaya because we publish, in the Annual Report of the Agent in Malaya, sufficient information regarding the condition of Indian labour generally. And over and above that, there is this publication, a Review of important events relating to or affecting Indians in different parts of the British Empire of which the next issue will be published in the course of the next fortnight or so. That would give all the information.

**Dr. Sir Ziauddin Ahmad :** Did the Malayan Government invite the Indian labour officially or did the labourers go there of their own accord ?

**Sir Girja Shankar Bajpai :** There are two categories of labourers in Malaya. There are those who have been recruited by an agency which is maintained by the Government of Malaya and then there are a number of people who go there at their own expense and become labourers.

**Prof. N. G. Ranga :** Are there any Trade Unions protecting the interests of the Indian labourers in Malaya and if there are none, will the Government of India see that their Agent in Malaya takes steps to promote the formation of these Trade Unions ?

**Sir Girja Shankar Bajpai :** I believe Indian labour in Malaya is eagerly awaiting the arrival of my Honourable friend to organise Trade Unions.

**Prof. N. G. Ranga :** That does not give any specific answer to my question. I want to know whether there are any Trade Unions in Malaya. If I have to go there, then certainly it is my own business. I do not require any prompting from the Government of India.

**Sir Girja Shankar Bajpai :** I am sorry that my Honourable friend has not taken my joke in good humour. My own answer does provide material for the inference, namely, that so far as the Government of India are aware at the present moment there are no Trade Unions among Indian labourers.

**Mr. M. Ananthasayanam Ayyangar :** Is it the policy of Government to restrict non-labourers from going there for the purpose of settlement ?

**Sir Girja Shankar Bajpai :** I do not know really that there are very many people going to Malaya for the purpose of settlement.

#### TRAINING OF OFFICIALS TO SERVE AS AGENTS IN BRITISH COLONIES, ETC.

439. **\*Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

- (a) whether there is a proposal to build up a corps of trained officials who would serve as agents for India in the different colonies and British possessions ;
- (b) whether Government propose to appoint only officials to these jobs ; and
- (c) if so, whether they propose to train officials for this purpose specially ?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). There is no specific proposal to train a corps of officials for these posts, nor are the posts reserved for officials only. Selection for each post and on each occasion is made with due regard to all the relevant circumstances. A person who has done well in one post will, other things being equal, be liable to preference for subsequent appointment to another similar post.

**Mr. S. Satyamurti :** I want to ask whether Government have considered that after all Agents for India must possess specially good qualifications as they have to represent the whole country and if so, whether Government have any proposals to train officials for that work ?

**Sir Girja Shankar Bajpai :** The position is this : at the present moment, there are only three Agents maintained by the Government of India, one for South Africa, one for Ceylon, and one for Malaya. Now, Sir, the South African problem is generally a political problem and my Honourable friend will agree that the selections of the Government of India which were made in the past have been quite satisfactory ones. As regards Ceylon and Malaya, the problem is primarily a problem of labour and Government naturally choose persons who have had some experience in dealing with such problems in this country and who, what is more important, are familiar with the language and habits of the labourers with whom they have to deal.

**Mr. S. Satyamurti :** In view of the fact that Government have proposals before them, as they have said in reply to questions in this House, to appoint Agents in other places also, will they consider the desirability of training a corps of men, about half a dozen or even a fewer number, for this purpose, with special qualifications ?

**Sir Girja Shankar Bajpai :** My Honourable friend will appreciate the fact that training under conditions in the colonies can only be given to a person after he reaches the colony. He cannot have that training here in India ; but in so far as general acquaintance dealing with overseas problems is concerned, seeing that the institution of Agents has been now in existence since 1923, the Government of India have no doubt that they have now a sufficient reserve of people with adequate qualifications for these posts.

**Mr. M. Ananthasayanam Ayyangar :** May I know if they are all persons serving in the Government of India ?

**Sir Girja Shankar Bajpai :** They have served under the Government of India, yes.

**Mr. M. Ananthasayanam Ayyangar :** May I know what are the qualifications of the person to be appointed Agent in Burma ?

**Sir Girja Shankar Bajpai :** Adequate qualifications, Sir.

#### REPORT ON STATE AID TO INDUSTRIES IN THE BRITISH EMPIRE.

440. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether there is a publication known as " Report on State Aid to Industries in the British Empire (excepting India), France, Germany, etc.," by A. Y. G. Campbell, issued for official use only ;
- (b) whether the Southern Indian Chamber of Commerce applied for a copy of that publication to the Government ;



- (c) whether the Commerce Department replied stating that it could not be supplied, as it was intended for official use only ;
- (d) whether Government are prepared to consider the advisability of giving copies to all commercial associations and others interested in the matter ; and
- (e) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). Yes, Sir.

(d) No, Sir.

(e) The matter was carefully gone into when the Report was completed in 1922, and from an examination of the Report and the method of its compilation the Government of India came to the conclusion that it was not likely to be of any use to the general public. It was, therefore, marked ' For official use only '. As the enquiry was completed in 1922 and the Report is nearly 16 years old, it is not likely to be of any use now to the general public or to commercial associations.

**Mr. S. Satyamurti :** In view of the answer that Government's objection is only based on the fact that it is not useful and also in view of the fact that the South Indian Chamber of Commerce which is a big commercial body has applied for it, will Government revise their decision and give them a copy ?

**The Honourable Sir Muhammad Zafrullah Khan :** That was the original question.

**Mr. S. Satyamurti :** I have followed the answer, and so I am asking a supplementary question. Government said that they are not issuing the publication because it will not be useful. But since an important body like the South Indian Chamber of Commerce has asked for a copy, may I know whether in view of that fact Government will reconsider their decision and send them a copy ?

**The Honourable Sir Muhammad Zafrullah Khan :** The mere fact that somebody has asked for a publication which will be of no use to them is no ground for giving them a copy.

**Mr. S. Satyamurti :** The South Indian Chamber of Commerce which represents all the commercial bodies in Southern India has asked for a copy, and if there is nothing confidential, may I know what the objection is to sending them a copy ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, it is likely to prove of no use to them.

**Mr. S. Satyamurti :** Is it of any use to Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir.

**Mr. S. Satyamurti :** How does it prove of use to Government after 16 years, and how do they come to the conclusion that merchants interested in commerce cannot make some use of it ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, the method of its compilation is such that it may be useful as a reference book to Ministers and Directors of Industries, but it is not likely to be of any interest to the general public or to the Chambers of Commerce.

**Mr. Manu Subedar :** May I know whether a copy will be placed in the Library of the House so that Members of this House who are competent to judge whether it is of any use to them or not may judge for themselves ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are equally competent to judge.

**Mr. Manu Subedar :** Will a copy be placed in the Library ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, for the reason given.

**Mr. S. Satyamurti :** In view of the fact that several non-officials including my friend are just now on the Treasury Benches, will he consider the fact that some of us can also usefully use this book, and place a copy in the Library ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise.

**Mr. K. Santhanam :** Are Government afraid that Members may make some use of it ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

#### FACILITIES TO INDIAN APPRENTICES FOR PRACTICAL TRAINING IN FACTORIES AND WORKSHOPS, ETC.

411. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

(a) whether his attention has been drawn to the action of the Bombay Government in accepting the recommendation contained in the Resolution passed by the Bombay Legislative Assembly to issue instructions to all Departments of the Government, semi-Government bodies, municipal corporations and all manufacturers and suppliers, that the manufacturers and suppliers shall afford every facility to Indian apprentices for practical training in their factories, workshops or offices ;

(b) whether the Government of India propose to take similar action ; and

(c) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) No, Sir.

(c) The Government of India do not consider it either feasible or desirable to include such a clause in contracts for the supply of stores. In this connection I would invite the attention of the Honourable Member to the answer given in this House to part (e) of Mr. Muthuradas

Vissanji's question No. 662, dated the 19th February, 1936, and also to the answer to the Honourable Mr. G. S. Motilal's question in the Council of State, No. 186, dated the 28th September, 1937. I may explain that in practice a large number of firms offer training facilities irrespective of whether they have or have not actually received contracts. The names of firms with whom contracts are placed are regularly forwarded by the High Commissioner to the Advisers to Indian students at local centres who make such use of them as is possible when approaching local firms for training facilities. The names of firms who provide such facilities are published in the Reports of the High Commissioner's Education Department and the important purchasing Departments in India are required to consult this list when placing contracts in foreign countries. Particulars of important orders placed by the purchasing authorities in India (the Indian Stores Department, the Defence and Railway Departments) either directly or through manufacturers' agents or representatives in India are also forwarded to the High Commissioner for India annually to enable him to approach such firms when training facilities are required for Indian students.

**Mr. S. Satyamurti :** May I know the reasons why Government consider it not desirable to issue instructions to all contracting bodies to put a condition that manufacturers and suppliers shall afford every facility of the kind mentioned in the question ?

**The Honourable Sir Muhammad Zafrullah Khan :** For the reason that I have explained, that is to say, that such facilities are at present available, that they meet the situation, and that if such a clause were put in the contract itself Government would probably have to pay a much higher price for the article ordered than they would otherwise have to do. And it will also create complications in carrying it out.

**Mr. S. Satyamurti :** Have Government examined this matter by means of negotiations with any of these contractors and are their apprehensions about the increased cost based on facts or fears ?

**The Honourable Sir Muhammad Zafrullah Khan :** An examination of the question by Government indicates that such a clause would not be workable.

**Mr. S. Satyamurti :** May I know whether Government have ascertained from the Government of Bombay as to the reasons why they have accepted this resolution and whether they find any difficulties in the actual working of this resolution ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot give a specific answer as to whether there has been any inquiry or not but I should imagine not.

**Mr. S. Satyamurti :** Then will Government inquire of the Bombay Government, which after all is a Provincial Government and as good as themselves, to find out whether they have found any difficulty in the working of this resolution ?

**The Honourable Sir Muhammad Zafrullah Khan :** It would be too early to address an inquiry of that kind to the Bombay Government but, as I have explained in the last part of the answer, the same object is being secured in a different way by the Government of India in regard to this matter.

**Mr. S. Satyamurti :** Will Government give some figures with regard to some typical industries on which Government have come to the conclusion that the facilities for the training of Indian apprentices are adequate ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member will put down a specific question to that effect, I will try to give him the information.

**Mr. Manu Subedar :** The Honourable Member stated that there was a list of firms which give facilities and which was published. May I ask whether there is a list of firms which have refused facilities and which are still receiving high orders and patronage from the Government of India and whether there is any discontent among Indian students going to learn technical subjects in the United Kingdom on account of this refusal of facilities ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is a very composite kind of question. The Honourable Member must put down a specific question.

**Pandit Lakshmi Kanta Maitra :** Sir, may I know what is going on in that part of the House ?

**The Honourable Sir Muhammad Zafrullah Khan :** Questions and answers.

**Maulana Zafar Ali Khan :** Sir, we have been persistently complaining that we cannot hear anything on this side and still the difficulty continues.

**Mr. President** (The Honourable Sir Abdur Rahim) : I am fully aware of the difficulty and I fully sympathise with the Honourable Members sitting at the other end. We have tried our best to improve the acoustics of this House but unfortunately the result has not been satisfactory so far. I really do not see whether we can do anything unless further measures are taken by Government to see whether any further improvement is possible.

**Mr. M. Ananthasayanam Ayyangar :** May I know if in the list of firms which have afforded facilities for apprentices to undergo training, there is a single firm which manufactures steam engines ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that question.

#### FAILURE OF BANKS.

†442. **\*Sri K. B. Jinaraja Hedge :** (a) Will the Honourable Member for Commerce be pleased to state how many banks with above Rs. 50,000 subscribed capital, registered in British India and Indian States, have failed since the year 1914 ?

(b) What are the main causes for such failures ?

(c) What steps have Government taken and contemplate taking to safeguard the interests of the constituents ?

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†Answer to this question laid on the table, the questioner being absent.

(d) Do Government propose to remedy the defects of the present law as to banking with regard to banks registered in British India and those registered in Indian States and operating in British India ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question should have been addressed to the Honourable the Finance Member.

APPOINTMENT OF MR. JOHN SARGENT AS THE EDUCATIONAL COMMISSIONER  
WITH THE GOVERNMENT OF INDIA.

443. **\*Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that Mr. John Sargent is appointed as the Educational Commissioner with the Government of India ;
- (b) whether Government could not find an Indian with the requisite qualifications for the post ;
- (c) whether Government considered the advisability of engaging the services of Indian educationists like the Right Honourable Srinivasa Sastri, Dr. Paranjpye, Sir Radha Krishnan ; and
- (d) the reasons of Government for not engaging the services of Indian educationists for the post ?

**Sir Girja Shankar Bajpai :** (a) to (d). I would invite the attention of the Honourable Member to the answer given to Mr. S. Satyamurti's starred question No. 85 in this House on the 9th August, 1933.

**Prof. N. G. Ranga :** Was the Advisory Committee for Education consulted over this appointment ?

**Sir Girja Shankar Bajpai :** The appointment rests with the Government of India : it is not the function of the Advisory Board of Education.

**Dr. Sir Ziauddin Ahmad :** May I ask whether it is not a fact that the Honourable Secretary wrote notes against all these Indian candidates who were brought up for this appointment ?

**Sir Girja Shankar Bajpai :** I did not write a note against any candidate—Indian or British.

**Mr. S. Satyamurti :** With reference to the answer to clause (b) of the question—my question was not reached the other day and only the answer was printed in the proceedings—may I ask whether Government did make every attempt in their power to get an Indian with the requisite qualifications for the post and came to the conclusion that there was no such Indian available and if so, on what grounds.

**Sir Girja Shankar Bajpai :** Government considered carefully the question of filling this post before deciding to invite somebody from outside. The main function of the Educational Commissioner now is to advise the Central Advisory Board of Education on matters relating to educational reconstruction. My Honourable friend is perhaps aware that at its very first meeting the Central Advisory Board passed a resolution for educational reconstruction in the school stage with special reference to technical and vocational education.

We wanted a man with first-hand knowledge and experience of the latest methods in technical and vocational education and that was why we found we could not secure a suitable candidate in India.

**Prof. N. G. Ranga :** In view of the fact that the Central Advisory Board of Education has decided in favour of the Wardha Scheme which concentrates upon vocational education, why is it that the Government of India did not try to obtain the services of a man who has had some experience of that scheme ?

**Sir Girja Shankar Bajpai :** As far as I know that scheme has not been in operation at all for any length of time ; but the point is that the Central Advisory Board of Education has not yet decided in favour of or against the Wardha Scheme. The Central Advisory Board appointed a sub-committee to go into the Wardha Scheme and the report of that sub-committee will be submitted to the Board next December.

**Mr. M. Ananthasayanam Ayyangar :** Will this gentleman, Mr. Sargent, have a hand in shaping the decision of the Central Advisory Board of Education so far as the Wardha Scheme is concerned ?

**Sir Girja Shankar Bajpai :** The decision will be the decision of the Board : Mr. Sargent will merely place his views before the Board : he can do nothing else.

#### COMPOSITION AND ACTIVITIES OF THE INDUSTRIAL RESEARCH BUREAU.

444. **\*Mr. Mohan Lal Saksena :** (a) Will the Honourable Member for Commerce be pleased to state whether the Industrial Research Bureau is composed of a Director, Assistant Director, Research Officer, Assistant Research Officer and 16 technical assistants and a fairly big clerical staff ? If so, what are their respective qualifications and emoluments ?

(b) Is it a fact that the bulk of the Research Bureau grant is spent on the Director, Assistant Director and their establishment ? If so, will Government make a statement outlining the research done by them during the last two years ?

(c) Is the research work published ? If so, where ? Has it been examined and approved by independent scientists ? Is it ever published in any of the scientific journals ?

(d) Why is the Director posted at Delhi, while real research work is done at Alipore ? Where is the main laboratory situated ?

(e) Do Government propose to consider the feasibility of removing the office of the Director from Delhi to Calcutta ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A statement showing the sanctioned strength of the Industrial Research Bureau with the scales of pay attached to the various posts was placed on the table in reply to part (c) of the Honourable Member's starred question No. 615, dated the 3rd March, 1938. No alterations have been made in the sanctioned strength or scale since. A statement showing qualifications of the technical staff is placed on the table.

(b) No, Sir. The latter part of the question does not arise.

(c) The results of important researches are published in bulletins issued by the Industrial Research Bureau. A review of the activities of the Research Bureau is also published in the Annual Administration Reports. Copies of the bulletins and Administration Reports are available in the Library of the House.

The work of the Research Bureau comes under review by the Industrial Research Council. Many activities of the Bureau also have a direct connection with other Scientific and Technical Departments of Government.

The answer to the last part of the question is in the affirmative.

(d) The Director of the Bureau is stationed at Delhi so that the new organisation is able to derive the fullest possible benefit from the accumulated experience, technical knowledge and resources of the Indian Stores Department and works under the direct control and supervision of the Chief Controller of Stores, Indian Stores Department. The Director is also closely associated and works in collaboration with certain other Technical Departments and Committees at the Headquarters of the Government of India.

No separate laboratory has been established for the Research Bureau. The laboratory work is carried out at the Government Test House, Alipore, where the major portion of the staff of the Bureau is stationed.

(e) Not at present.

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*Statement of Qualifications of Officers of the Industrial Research Bureau, Indian Stores Department.*

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|-----------------------|---|---|
| 1. Director           | .. Mr. N. Bordie  | .. M.Sc. in pure Science (Durham University) joined the Government Test House, Alipore, as Assistant Chemist in 1913 and held charge of the Government Test House for more than 10 years before appointment to the post.  |
|                       | Mr. E. F. G. Gilmore<br>(officiating Director <i>vice</i><br>Mr. Brodie). | B.Sc. in Engineering (1st class Hons.), Manchester University. Ten years previous experience including 6½ years service on the Technical Staff of the British Admiralty. Joined the Government Test House as Physicist in 1924 and held charge of the Government Test House for four years before appointment to the post.                |
| 2. Assistant Director | Mr. E. Dixon  | .. Institute of Civil Engineers (Preliminary Examination)* A. M. I. Mech. E., Structural Diploma. Seven years apprenticeship with a British Engineering firm. Three years experience in British firms and eight years service in the Indian Stores Department before appointment to the post (Selected by the Public Service Commission). |

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\* Associate Member of the Institution of Mechanical Engineers.

Mr. S. S. Iyengar (official-  
ing Assistant Director  
vice Mr. Dixon).

B.E. (Mech.), A.M.I.E. (India)\*, A.M.I.  
Mech.[E. (Lond.)†, M.I. Brit. F. (London)‡  
Two years apprenticeship and five  
years service as Assistant Works Manager  
in Government Central Workshop, Dapuri,  
Bombay Presidency, before joining the  
Indian Stores Department and eight  
years service as Assistant Engineer (Ins-  
pection) in the Indian Stores Department  
before appointment to the post.

3. Research Officer Dr. L. C. Verman

Bachelor of Science, Electrical Engineering  
(Hons.) (Michigan) M.S. (Physics) (Cor-  
nell) Ph.D. (Physics) (Cornell), Fellow of  
the Institute of Physics, Fellow of the  
Physical Society, London, Associate of  
the Institute of Radio Engineers. Re-  
search fellow or Research Assistant in  
Universities of Michigan and Cornell 7  
years, Indian Institute of Science 1½  
years. Research Physicist, London Shel-  
lac Research Bureau for 3 years, before  
appointment (selected by High Commis-  
sioner).

4. Assistant Research Officer. Dr. Ikramullah

.. B.Sc., Ph.D. (Eidn.), Ph.D. (Heid-Germany)  
worked as Demonstrator in Edinburg  
University for 2 years and as apprentice  
in Bengal Chemical and Pharmaceutical  
Works, Calcutta, for 1 year before appoint-  
ment. (Selected by Federal Public Ser-  
vice Commission.)

5. Eight Chemical Assistants.

..

.. One Doctor of Science } with previous  
Six Master of Science } Research experience.  
One post—vacant at present. [Incumbent  
of this post (an M.Sc.) resigned and  
another Assistant is being recruited  
through Federal Public Service Commis-  
sion.]

6. Seven Physical Assistants.

..

.. One Doctor of Science } with previous  
One Master of Science and } Research ex-  
Ph. D. (London). } perience.  
One Master of Science and }  
Ph.D. (Aligarh). }  
One Master of Science, Certificate of Pro-  
ficiency in Electrical Communication  
Engineering (Indian Institute of Science)  
Associate Member of the Institute of  
Radio Engineers with 2 years practical  
experience.  
One B.Sc.—with Certificate of Proficiency  
in Electrical Technology (Indian Institute  
of Science) and previous experience in  
Research work.  
One Bachelor of Engineering (Mech.) with  
practical training in Electrical Engineer-  
ing.  
One Licentiate of Textile Manufacture  
(Victoria Jubilee Technical Institute,  
Bombay) with 7 years practical experience  
in cotton weaving.

\* Associate Member of the Institute of Engineers (India).

† Associate Member of the Institution of Mechanical Engineers.

‡ Member of the Institute of British Foundrymen.



7. Two Technical Assistants.

....

One M.Sc.—with one Year's apprenticeship training.

One M. Sc.—Associate of the Indian Institute of Science. Holder of certificate in soap manufacture.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether this Research Bureau undertakes work which it may think of, or whether it advises industrial concerns over matters that may be referred to it ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that.

**Mr. Mohan Lal Saksena :** May I know what proportion of research work is done by the Assistant Director at Delhi ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say without notice.

**Pandit Lakshmi Kanta Maitra :** How many bulletins on research were issued last year ?

**The Honourable Sir Muhammad Zafrullah Khan :** Does the Honourable Member really expect that I should remember these details ?

**Pandit Lakshmi Kanta Maitra :** May I know whether these bulletins are supplied gratis or whether they are saleable publications ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that.

**Mr. Manu Subedar :** May I know whether the conferences held under the auspices of this Bureau attended by Directors of Industries do not issue a full account of their agenda or proceedings and why all this is kept secret and full reports are not published ?

**The Honourable Sir Muhammad Zafrullah Khan :** Such information as is likely to be useful is issued in the form of bulletins.

**Mr. Manu Subedar :** What are the serious objections to the issue of the full report ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member puts down a question, I shall try and give an answer.

**Mr. Mohan Lal Saksena :** May I know how long the Director stays at Calcutta and works in the laboratory there ?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not say that without notice.

**Mr. Mohan Lal Saksena :** Does he ever go to Calcutta or has he to do anything with the test laboratory ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no doubt he does.

**Pandit Lakshmi Kanta Maitra :** May I know whether, beyond publishing certain bulletins they issue any publications embodying the researches they make ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said that the results of these researches are often published in scientific journals.

**Mr. Mohan Lal Saksena :** Has the Director anything to do with the laboratory at Calcutta ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member wants a specific answer, he must put down a question.

REORGANISATION OF THE INDIAN RESEARCH BUREAU.

445. **\*Mr. Mohan Lal Saksena :** (a) Will the Honourable the Commerce Member please state why the Indian Research Bureau is working under the Indian Stores Department ?

(b) Is it a fact that when the Director, or Assistant Director, of Research goes on leave, persons not connected with Research Bureau are posted in their places ? If so, why ?

(c) Do Government propose to consider the feasibility of separating the Research Bureau from the Stores Department and of appointing only persons connected with the Research Department to fill up the aforesaid vacancies ?

(d) Do Government propose to consider the feasibility of appointing a committee consisting of independent scientists and others to examine the working of industrial research in this country and to make recommendations regarding the reorganisation of the Research Bureau to bring it in line with the Department of Scientific Industrial Research in Great Britain in order to help the development of Indian industries ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The Honourable Member is presumably referring to the Industrial Research Bureau. His attention is invited to pages 8, 14—16, 24 and 26 of the Bulletin of Indian Industries and Labour, No. 52, containing the reasons for attaching the Bureau to the Indian Stores Department. A copy of the Bulletin is available in the Library of the House.

(b) As the Bureau is a part of the Indian Stores Department selections to fill leave vacancies are made from the Department as a whole, and those considered most suitable are selected to fill the vacancies. I may add that the officer officiating as Director at present was closely connected with research work as Superintendent of the Government Test House, Alipore, before his present appointment.

(c) First part—the matter is under consideration. The second part does not arise in view of the answer to part (b).

(d) No, Sir. For the reasons given in answer to part (g) of the Honourable Member's question No. 615, dated the 3rd March, 1938, Government do not consider that any useful purpose will be served by referring at present to a committee the question of the re-organisation of the Bureau with the object mentioned by him. The Honourable Member is no doubt aware that a Committee, called the Industrial Research Council, is already in existence to control and direct the activities of the Industrial Research Bureau.

**Mr. Mohan Lal Saksena :** May I know how often this council meets in a year ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member can put down a question to that effect.

**Mr. M. Ananthasayanam Ayyangar :** With reference to clause (b), may I ask whether in the absence of the Director or the Assistant Director, only persons connected with research work and are capable of doing research work are posted to this work ?

**The Honourable Sir Muhammad Zafrullah Khan :** No doubt.

**Mr. Muhammad Azhar Ali :** Are there any non-officials on this Council ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know. I would require notice of that question.

STATEMENT OF MR. GANDHI *re* UNWRITTEN COMPACT BETWEEN THE  
BRITISH GOVERNMENT AND THE CONGRESS.

446. **\*Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Leader of the House please state whether Government have read the following statement of Mr. Gandhi :

“ The unwritten compact between the British Government and the Congress is a gentleman's agreement in which both are expected to play the game ” ?

(b) what is this unwritten compact ?

(c) Does the unwritten compact include a promise by the British Government that no Governor will use his special power to protect the Muslim minority, however tyrannical the Government may be ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Government have seen Mr. Gandhi's statement referred to by the Honourable Member but the Honourable Member will surely not expect me to explain what Mr. Gandhi had in his mind.

(c) The exercise of his special powers by the Governor is regulated by section 52 of the Government of India Act read with his Instrument of Instructions.

**Dr. Sir Ziauddin Ahmad :** May I know, Sir, whether there is any compact between the Government of India and the Congress regarding any matter connected with the Indian administration ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is too large a question for me to answer.

**Dr. Sir Ziauddin Ahmad :** May I know if the Government of India was consulted by the British Government as regards the particular compact ?

**The Honourable Sir Muhammad Zafrullah Khan :** Which particular pact ?

**Dr. Sir Ziauddin Ahmad :** I mean the compact which is mentioned in this question :

**The Honourable Sir Muhammad Zafrullah Khan :** I have said I do not know what Mr. Gandhi had in his mind.

**Maulvi Abdur Rasheed Chaudhury :** May I know whether there is any pact between the Government of India and the Congress regarding communal considerations ?

**The Honourable Sir Muhammad Zafrullah Khan :** What kind of pact ?

**Maulvi Abdur Rasheed Chaudhury :** Any pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of any.

**Sir Muhammad Yamin Khan :** May I know, Sir, if anybody is negotiating with the British Government to bring about any changes in the present Government of India Act ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this.

**Maulana Zafar Ali Khan :** In view of the fact that this statement has been made by Mr. Gandhi, does the Government mean to say that they have not been able to probe into the depths of Mr. Gandhi's mind ?

**The Honourable Sir Muhammad Zafrullah Khan :** Has anybody ever been able to do so ?

**Dr. Sir Ziauddin Ahmad :** May I know, Sir, if the Government of India or His Excellency the Viceroy was ever consulted as regards any agreement between the British Government and the Congress ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of any agreement.

**Maulana Zafar Ali Khan :** In view of the fact that this statement has been made, may I know if Mr. Gandhi has not been guilty of untruth, and, in the historic words of Mr. Balfour, it has been a cold, calculated and frigid lie ?

**The Honourable Sir Muhammad Zafrullah Khan :** Surely, Sir, I am not expected to answer a question like that.

**Maulana Zafar Ali Khan :** Am I to understand that Mr. Gandhi did not make a statement ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir, I have said that the statement is published in the press, I do not know whether he made it or not. As I have said before, I cannot interpret it and say what was in the mind of Mr. Gandhi when he made that statement.

**Maulana Zafar Ali Khan :** His mind was as he spoke it. He said that there has been a pact between the British Government and the Congress, and he said that it was a gentleman's agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am here to answer questions on behalf of the Government of India, and not on behalf of His Majesty's Government.

**Maulana Zafar Ali Khan :** Sir, I ask this question in the name of a gentleman and from you as a gentleman ?

(No reply.)

**Dr. Sir Ziauddin Ahmad :** May I know, Sir, whether the Government of India was a party in coming to this gentleman's agreement mentioned in the sentence quoted in the question ?

**The Honourable Sir Muhammad Zafrullah Khan :** What the agreement referred to, is, I do not know.

**Maulana Zafar Ali Khan :** Our point is, whether there has been a gentleman's agreement between the British Government and Mr. Gandhi and if there has been no such pact or agreement, will Government contradict it ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said I do not represent His Majesty's Government in this House.

**Dr. Sir Ziauddin Ahmad :** Will the Government of India ask the Secretary of State about the terms of this gentleman's agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** No specific agreement has been mentioned and I do not see what inquiries we can make from the Secretary of State.

**Dr. Sir Ziauddin Ahmad :** Will they make inquiries now since the question of the agreement has been raised on the floor of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** Nothing has been brought to the notice of the Government of India except this statement which has appeared in the press.

**Mr. K. Ahmad :** Will Government be pleased to state that if " a gentleman's agreement in which both are expected to play the game, and they are playing the game all right ", may I know if there is any use for Honourable Members to put these irrelevant questions without any tyranny being exposed ?

#### RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

447. **\*Dr. Sir Ziauddin Ahmad (a)** Will the Honourable the Commerce Member please state whether the Government of India invited representatives of various shipping companies carrying on traffic to Jeddah to discuss the question of ending the rate war ?

(b) What was the result of the conference ?

(c) Did Government lay any proposal before those representatives ? What were those proposals ?

(d) Is the question of rate war settled ? If not, what further action do Government propose to take ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, representatives of the interests concerned were invited to discuss the matter with Government.

(b), (c) and (d). No final decision has yet been arrived at and Government are not therefore prepared to make any statement as to what took place during the discussion.

**Dr. Sir Ziauddin Ahmad :** May I know, Sir, why, in view of the fact that the Government of India have fixed maximum and minimum rates in the case of Railways, and they are now going to fix maximum and minimum charges in connection with motor vehicles in the new Bill, they have not fixed charges in the case of steamship companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said in reply to parts (b), (c) and (d), no decision has been arrived at yet.

**Qazi Muhammad Ahmad Kazmi :** May I know, Sir, how long it will take to come to a decision ? Will Government be able to come to a decision before the next Haj season ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is very difficult to fix a date, but Government will try to come to some decision before the next Haj season commences.

**Mr. Muhammad Azhar Ali :** May I know, Sir, if the Government propose to appoint a Committee or Commission to go into this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no such intention at present.

**Mr. Manu Subedar :** Is it a fact, Sir, that the representative of the European Shipping Companies refused to take part in this conference or even to lay before it any proposals of any kind ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already said that I am not prepared to make any statement as to what took place during the discussion so long as the matter is under consideration.

**Maulvi Abdur Rasheed Chaudhury :** Have the Government proposed or suggested any special rate at this conference ?

**The Honourable Sir Muhammad Zafrullah Khan :** That also falls within the same category, and it would not be desirable to make a statement so long as the matter is under consideration.

**Mr. S. Satyamurti :** Sir, in view of the fact that a public statement has been made by one of the parties that the European representatives

took up a *non possumus* attitude and would not co-operate with the conference, may I know if the Government are contradicting it or confirming it ?

**The Honourable Sir Muhammad Zafrullah Khan :** The other party has also made a statement.

**Mr. Manu Subedar :** May I know, Sir, if Government are pursuing this matter and are in communication with both sides ?

**The Honourable Sir Muhammad Zafrullah Khan :** They are certainly pursuing the matter, but communication is not a continuous process.

#### ESTABLISHMENT OF A DEPRESSED CLASSES SETTLEMENT IN DELHI.

448. **\*Mr. Sham Lal :** (a) With reference to the answer to question No. 1176, on the 12th March, 1936, regarding the scheme proposed by the Shradhanand Depressed Classes Mission to establish a Depressed Classes Settlement in Delhi, will the Secretary for Education, Health and Lands kindly state how many plots have so far been distributed to members of the depressed classes, since the Mission ceased to be recognised for recommendations ?

(b) How many plots have so far been allotted to members of the depressed classes since April, 1936, when Government declared, in reply to the question referred to above, that the allotment of plots to members of the depressed classes had not been stopped ?

(c) What is the number of the pending applications of the depressed classes for allotment of the plots in question ?

(d) Is it a fact that Government have been granting comparatively relaxed conditions, relating to the time-limit, for erection of the buildings on plots in New Delhi ?

(e) Did Government consider the desirability of relaxing or extending the time-limit for erection of buildings on the plots in question ? If not, why not ?

(f) When do Government propose to allot the plots to persons belonging to the depressed classes, who have already applied for them ?

**Sir Girja Shankar Bajpai :** (a) to (f). Enquiries have been made and the result will be communicated to the House in due course.

#### ALLOWANCES GIVEN TO CERTAIN PERSONS IN THE GEOLOGICAL SURVEY OF INDIA.

449. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Apropos the reply given by the Honourable Member for Commerce and Labour to question No. 347, part (b) to (f) of the 7th September, 1937, regarding allowances given to certain persons in the Geological Survey of India, will

the Honourable Member be pleased to state if there is any use of keeping Petrologists, Curator, Chemist with well equipped laboratory and Palæontologist with extra allowances, when the work is being done abroad ?

(b) Does the Honourable Member propose to stop getting this work done abroad ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). No part of the Work of the Petrologist, Curator or Chemist is done abroad. Palæontological work is sent abroad only when its specialised nature necessitates such a course. There is sufficient work, however, to keep the Palæontologist in the Department fully employed.

COUNTRIES WITH CONSULS OR TRADE COMMISSIONERS APPOINTED BY  
THE GOVERNMENT OF INDIA.

450. **\*Mr. M. Ananthasayanam Ayyangar :** Will the Honourable Member for Commerce be pleased to state :

- (a) the countries to which Consuls or Trade Commissioners have been appointed by the Government of India ;
- (b) the amounts of expenditure incurred on them in each country ;
- (c) if a Consul or Trade Commissioner has been appointed for Burma ;
- (d) if the answer to part (c) be in the affirmative, what representations he made to prevent or arrest the progress of rioting and clash between Indians and Burmans in Burma, and with what result ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I would invite the attention of the Honourable Member to the reply given by me to Sardar Mangal Singh's starred question No. 222 on the 15th August, 1938.

(b) The budget estimates for 1938-39 are as follows :

	Rs.
Indian Trade Commissioner, London ..	1,81,000
Indian Trade Commissioner, Hamburg ..	80,000
Indian Trade Commissioner, Milan ..	47,000
Indian Trade Commissioner, New York ..	76,000
Indian Trade Commissioner, Japan ..	45,400
Indian Trade Commissioner, Mombasa ..	34,500
Indian Trade Agent, Kabul .. ..	23,300



(c) No.

(d) Does not arise.

**Prof. N. G. Ranga** . Will Government consider the advisability of reducing the prices of their reports ?

**The Honourable Sir Muhammad Zafrullah Khan** : What exactly has it got to do with the question.

**Mr. M. Ananthasayanam Ayyangar** : In view of the large interests involved between India and Burma, why does not Government propose to appoint a Trade Representative in Burma ?

**The Honourable Sir Muhammad Zafrullah Khan** : There is an Agent to the Government of India in Burma.

**Mr. M. Ananthasayanam Ayyangar** : Does he carry out all these functions ?

**The Honourable Sir Muhammad Zafrullah Khan** : I cannot answer that.

**Prof. N. G. Ranga** : In view of the fact that the Government are spending so much money with a view to see that commercial interests in this country are benefited from the work of these Trade Commissioners, may I know if Government will consider the advisability of reducing the prices of their reports ?

**The Honourable Sir Muhammad Zafrullah Khan** : I said that this did not arise out of the question.

**Mr. K. Santhanam** : May I know whether the Agent in Ceylon is carrying out the duties of a Trade Commissioner ?

**The Honourable Sir Muhammad Zafrullah Khan** : I will require notice of that question.

**Mr. T. S. Avinashilingam Chettiar** : When the Honourable Member  
12 NOON. was asked whether the Agent in Burma will carry out the duties of Trade Commissioner he said that that question must be addressed to another Government Member. But the subject of Trade Commissioner is one over which my Honourable friend has control, and we want to know whether the Agent at Burma is going to do the duties of a Trade Commissioner also ?

**The Honourable Sir Muhammad Zafrullah Khan** : If the Honourable Member wants to know it from one he can put down a question to that effect.

### (b) WRITTEN ANSWERS.

#### RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

451. **\*Mr. Abdul Qaiyum** : (a) Will the Honourable Member for Commerce be pleased to state if his attention has been drawn to a state-  
L290LAD 6?

ment issued by Messrs. Turner Morrison and Company, which appeared in the issue of the *Bombay Chronicle* of the 3rd August, 1938, and the statement issued by Mr. Walehand Hirachand, which appeared in the issue of the *Bombay Chronicle* of the 4th August, 1938, in regard to what happened at the Haj Conference recently convened by them ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the representatives of the Mogul Line had the authority from their Board to discuss the question of the rate war and to put forward proposals to end it ?

(c) If the answer to part (b) be in the negative, will Government be pleased to state with what authority and for what purpose the representatives of the Mogul Line attended the Conference convened by the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government have seen a copy of the statements referred to.

(b) and (c). No final decision has yet been arrived at and Government are, therefore, not prepared to make any statement on the subject.

#### ARCHÆOLOGICAL EXCAVATIONS TO BE MADE BY SIR LEONARD WOOLLEY.

452. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary to the Department of Education, Health and Lands be pleased to state whether it is a fact that Sir Leonard Woolley has been invited to tour India shortly ?

(b) What will be his duties ?

(c) Will one of his duties be to select sites to be taken up for excavation ?

(d) What is the estimated expenditure on his visit ?

(e) Wherefrom is it proposed to meet the expenditure ?

(f) Is it a fact that it is to be met from funds already allotted to the various Archæological Surveys ?

(g) To what extent will the allotment made to the Southern Circle be affected by the proposed visit of Sir Leonard Woolley ?

(h) If the answer to part (c) above be in the affirmative, could not the selection of sites be made by members of the Archæological Survey itself ?

**Sir Girja Shankar Bajpai :** (a) to (c) and (h). I would invite the Honourable Member's attention to the Press Communique issued by Government on the subject on the 16th June, 1938.

(d) I would refer the Honourable Member to the reply to part (d) of Mr. Santhanam's starred question No. 63 on the 9th August, 1938.

(e) The expenditure will be met from provision made for the purpose in the current year's budget.

(f) No.

(g) Not at all.

DETAILS OF ALLOTMENT MADE TO VARIOUS CIRCLES OF THE  
ARCHAEOLOGICAL SURVEY.

453. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary to the Department of Education, Health and Lands be pleased to place on the table a statement containing the details of allotment during 1938-39 to the various Circles of the Archæological Survey under different heads ?

(b) To what extent will the allotment made for the several circles in India be affected by Sir Leonard Woolley's proposed visit ?

**Sir Girja Shankar Bajpai :** (a) The required statement is laid on the table.

(b) The allotment will not be affected by Sir Leonard Woolley's visit.

Statement showing the distribution of the budget grants of the Archaeological Department for 1938-39 by Circles.

Heads of Account.	Southern Circle.	Northern Circle.	Western Circle.	Eastern Circle.	Central Circle.	Frontier Circle.	Superintendent for Epigraphy.	Government Epigraphist.	Archaeological Chemist.	Central Asian Anti-quitities Museum.	Indian Museum Archaeological Section.	Delhi Fort Custodian's Staff.	Taxila Museum.
A. Pay of officers ..	12,600	24,400	18,900	4,285	12,505	9,830	10,670	16,130	14,400	..	..	..	..
B. Pay of Establishment	4,595	36,255	14,052	5,996	9,064	33,645	16,169	6,314	3,318	..	..	6,421	..
C. Allowances, Honoraria, etc.	2,980	7,200	6,400	2,540	4,100	5,900	2,900	3,950	1,950	..	..	..	..
D. Conservation of Ancient Monuments.	(Madras) 37,549	1,07,576	(Bombay) 1,03,240	(Bengal) 32,263	(Bihar) 29,509	(Punjab) 93,692	..	..	..	..	..	..	..
Conservation Charges ..	(Coorg) 298	..	(Sind) 6,491	(Assam) 9,940	(Orissa) 5,270 (C. P.) 16,306	(N.-W. F. P.) 6,757	..	..	..	..	..	..	..
E. Library and Publications	..	..	..	..	..	..	..	4,000	..	..	..	..	..
F. Contingencies ..	2,930	8,900	5,100	2,790	3,730	4,820	5,720	3,700	3,050	..	..	300	..

[illegible]

**TRANSFER OF THE OFFICES OF THE GOVERNMENT EPIGRAPHIST FROM  
OOTACAMUND.**

454. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary to the Department of Education, Health and Lands please state whether any arrangement has been made to shift the offices of the Government Epigraphist from Ootacamund either to Madras or to Delhi ?

(b) If so, when will the transfer be effected ?

(c) If the answer to part (a) be in the negative, will Government state whether they propose to consider the question of its removal at an early date ?

(d) Has not the Office of the Superintendent of Archæology, Southern Circle, been recently shifted to Madras from Ootacamund ? If so, what are the reasons for continuing the Office of the Government Epigraphist at Ootacamund ?

**Sir Girja Shankar Bajpai :** (a) No.

(b) Does not arise.

(c) Owing to the scarcity of office accommodation at Delhi, it is not possible to do anything in the matter at present.

(d) The reply to the first part is in the affirmative. As regards the latter part of the question, I would refer the Honourable Member to the reply just given by me to part (c).

**DUTIES OF THE GOVERNMENT EPIGRAPHIST AND HIS ASSISTANT.**

455. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary to the Department of Education, Health and Lands be pleased to state the duties of the Government Epigraphist and his Assistant ?

(b) What is the work done by them in connection with South Indian Epigraphy ?

(c) Is it one of their duties to decipher South Indian inscriptions ? If so, what are their qualifications for the job ? Is it a fact that they do not know any one of the South Indian languages ? If so, how do they perform their duties ?

(d) Is it a fact that much work is in arrears ? If so, why and how do Government propose to improve the position ?

**Sir Girja Shankar Bajpai :** (a) The Government Epigraphist supervises all epigraphical work except that in connection with Moslem inscriptions. His assistant helps him in these duties.

(b) No special work is done by the Government Epigraphist in connection with the South Indian epigraphy apart from general supervision.

(c) There is a separate officer, *viz.*, the Superintendent for Epigraphy, Madras, for dealing with South Indian inscriptions. The latter parts of the question do not therefore arise.

(d) The arrears are due to retrenchment in the Epigraphical Branch. Government regret that it is not possible to provide additional staff until the financial position improves.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

456. **\*Pandit Sri Krishna Dutta Paliwal** : Will the Honourable Member for Commerce please state :

- (a) whether the Indo-British trade negotiations will be concluded before the close of the present Session of the Assembly ; and
- (b) whether this House will be consulted before the Indo-British Trade Agreement is entered into ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The Honourable Member's attention is invited to the answers given to part (a) of Sardar Mangal Singh's question No. 40 and its supplementaries on the 9th August.

(b) I would refer the Honourable Member to the answer given today to part (b) of question No. 425 by Mr. Avinashilingam Chettiar.

RESOLUTIONS OF THE PROVINCIAL LEGISLATURES ABOUT FEDERATION.

457. **\*Mr. M. Ananthasayanam Ayyangar** : Will the Leader of the House please state if any action has been taken by the Government of India on the resolutions of the Provincial Legislatures that federation ought not to be imposed in India ? If so, what is it ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : The Government of India have forwarded the resolutions adopted by the Provincial Legislatures together with the debates thereon to the Secretary of State.

EXHIBITIONS OF INDIAN INDUSTRIAL PRODUCTS IN FOREIGN COUNTRIES.

458. **\*Mr. M. Ananthasayanam Ayyangar** : Will the Honourable Member for Commerce be pleased to state :

- (a) if the Government of India have been arranging any exhibitions of Indian industrial products in foreign countries, or taking part in any fairs or exhibitions held in foreign countries ;
- (b) if so, in how many, and which fairs or exhibitions during the last ten years ;
- (c) how much money was spent for each such fair or exhibition by the Government of India ; and
- (d) the main categories of articles from India which were exhibited ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The Government of India have participated in certain fairs and exhibitions by exhibiting Indian industrial and other products.

(b), (c) and (d). I would invite the attention of the Honourable Member to the annual and quarterly reports of the Indian Trade Commissioners in London, Hamburg and Milan, which contain all the avail-

able information. Copies of the annual reports are in the Library. The quarterly reports are reproduced in the *Indian Trade Journal*, copies of which also are in the Library.

#### LETTER OF THE MADRAS GOVERNMENT ABOUT LINGUISTIC PROVINCES.

459. **\*Mr. M. Thirumala Rao :** In further elucidation of the statment made by him on the 9th August, 1938, in reply to starred question No. 62 put by Mr. K. Santhanam, will the Honourable the Leader of the House be pleased to state :

- (a) the date on which the resolution of the Madras Legislature, together with the forwarding letter of the Madras Government, on the question of linguistic provinces was received by the Government of India ;
- (b) the date on which the Government of India forwarded the above papers to the Secretary of State ; and
- (c) whether the Government of India have expressed any opinion on the resolution of the Madras Legislature, while forwarding the same to the Secretary of State ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) 27th April, 1938.

(b) 7th May, 1938.

(c) I regret I am unable to reply to this part of the Honourable Member's question.

#### ESTABLISHMENT OF A SEPARATE ANDHRA PROVINCE.

460. **\*Mr. M. Thirumala Rao :** (a) Is the attention of the Honourable the Leader of the House drawn to the piece of news published in the *Hindustan Times* of the 7th August, 1938, that the Madras Premier had promised the Andhras that he would address the Government of India on the constitution of a separate administrative Province for the Andhra districts ?

(b) Has any such communication been received from the Madras Government ?

(c) Is the Government of India's attention drawn to the agitation in the press and on the platform in the Telugu districts of the Madras Presidency on the question of a separate linguistic province ?

(d) Have Government noted the resolution passed by the Congress Working Committee at its last meeting at Wardha, held in the last week of July, 1938, on the question of linguistic provinces ?

(e) Are Government aware that the present Madras Legislative Assembly includes four linguistic areas, and that a large number of members do not know any other language except their mother tongue ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) No.



(c) and (e). I accept the Honourable Member's statement.

(d) Government have seen the resolution adopted by the Congress Working Committee.

WASTAGE AMONG THE MUSLIMS AND SALARIES OF TEACHERS IN THE  
COMMERCIAL INSTITUTE, DELHI.

461. \***Maulvi Muhammad Abdul Ghani** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the reasons for 75 to 85.9 per cent. wastage among the Muslims admitted in the Commercial Institute, Delhi, during 1932-33, 1933-34, 1935-36 and 1936-37 as is apparent from the statement laid on the table on the 8th August 1938 in reply to unstarred question No. 180 put by Khan Bahadur Nawab Siddique Ali Khan on the 11th April, 1938 ;
- (b) whether Government propose to take any action to remedy such a huge wastage as shown in part (a) ; and
- (c) the monthly salaries of the Teachers and Instructors of the Commercial Institute, Delhi ?

**Sir Girja Shankar Bajpai** : Enquiries have been made and a reply will be furnished to the House in due course.

DUTIES AND FUNCTIONS OF THE SUPERINTENDENT OF EDUCATION,  
DELHI, AJMER-MERWARA AND CENTRAL INDIA.

462. \***Maulvi Muhammad Abdul Ghani** : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the duties and functions of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India ; and
- (b) the total mileage travelled by him by road and rail during 1937-38 ?

**Sir Girja Shankar Bajpai** : (a) The Superintendent of Education, Delhi, Ajmer-Merwara and Central India administers the Education Departments of these three areas, inspects educational institutions both Government and aided, and attends meetings of the academic and public bodies of which he is an *ex-officio* member.

(b) Information has been called for and will be furnished to the House in due course.

REGISTRATION OF FOREIGN COMPANIES IN INDIA FOR SELLING THEIR  
GOODS AS MADE IN INDIA.

463. \***Mr. Satya Narayan Sinha** : (a) Will the Honourable the Commerce Member be pleased to state whether his attention has been drawn to the leading comment in the *Aj* of Benares, dated the 6th August, 1938, under the caption "currency of foreign goods in the name of Indian

goods ” in which the following observation is made—“ For the last few years the foreign concerns have been registering their companies in India and selling their goods as made in India ” ?

(b) How many of such companies are there in India which have established themselves in India and in which no Indian capital is involved ?

(c) Has it been brought to the notice of Government that foreign owned concerns are proving unfair competitions to Indian concerns ?

(d) What steps, if any, do Government propose to take to save the Indian enterprise from such competition ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) The information is not available.

(c) and (d). I would invite the attention of the Honourable Member to the answers given in this House by Mr. H. Dow on the 21st March, 1938, to Seth Govind Das's starred question No. 836.

## SHORT NOTICE QUESTION AND ANSWER.

### JEWISH SETTLEMENT IN KENYA.

**Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether his attention has been drawn to an article published in today's issue of the *Statesman*, on page 6, by their special correspondent, under the caption “ Jewish Settlement in Kenya ” ;
- (b) whether he will lay on the table a copy of the statements made by Earl Winterton, on the decision of His Majesty's Government with regard to settlement of Jewish refugees in Kenya Highlands, either at the Evian Conference, or elsewhere ;
- (c) whether His Majesty's Government have officially apprised the Government of India of their views in this connection ;
- (d) whether the East African Indian Congress sent a communication to Government, expressing great apprehension about the result of a scheme of this nature ;
- (e) whether Government propose urging on His Majesty's Government not to take any steps in this connection which might be prejudicial to Indian interests without consulting the Indian opinion of East Africa ;
- (f) whether Government propose to move His Majesty's Government with a view to securing a revisal of “ the administrative practice ” of prohibiting Indians from obtaining lands in Kenya Highlands which is now proposed to be legalised in the draft Orders in Council due to come before the Kenya Legislature shortly ; and

- (g) whether Government are aware of the desire of the East African Indian Congress to send a deputation to London to wait on His Majesty's Government in this connection and whether Government propose giving the deputation any assistance and facilities ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) Government have not received a copy of the statement.

(c) No.

(d) The East African Indian Congress has drawn Government's attention to Press reports of the intentions of His Majesty's Government.

(e) and (f). Government of India have made enquiries from His Majesty's Government and will take such action as may appear desirable when the result of these enquiries becomes available.

(g) The answer to the first part is in the affirmative. The question of giving assistance to the deputation can arise only after the Congress has decided to send one.

**Seth Govind Das :** Is the Honourable Member aware that an expert was deputed to Kenya from England who reported that Kenya was very suitable for Jewish settlement ?

**Sir Girja Shankar Bajpai :** My Honourable friend will have already gathered from the reply which I have given to parts (e) and (f), that the Government of India have no official information with regard to this scheme at all and have made enquiries from His Majesty's Government. From the press reports which the Government of India have seen it would appear that it was not His Majesty's Government who deputed any expert but some private organisation.

**Seth Govind Das :** Will the Honourable Member place the reply on the table of the House as soon as he receives it from His Majesty's Government ?

**Sir Girja Shankar Bajpai :** I shall consider my Honourable friend's suggestion.

**Seth Govind Das :** Is it a fact that something like an informal Balfour declaration, which has created the huge Jewish problem in Palestine, and in the Near East in general, would be issued concerning the Jewish settlement in Kenya under Evian dispensation ?

**Sir Girja Shankar Bajpai :** I am not aware of any such intention on the part of His Majesty's Government.

**Seth Govind Das :** Is the Honourable Member aware that the European farming community welcome a Jewish settlement on the ground that on account of their settlement the Indian ratio would be reduced to the European population ?

**Sir Girja Shankar Bajpai :** It may be that some newspaper has expressed views to that effect, but I would ask my Honourable friend really to wait until the Government of India have official information from His Majesty's Government as to what their intentions are.

**Seth Govind Das :** Is it a fact that the Europeans of Kenya are anxious to have this Jewish settlement in Kenya so that they will be able to get ample capital out of them and Indians will no longer be required there ?

**Sir Girja Shankar Bajpai :** I was not aware that Indian capital was being used by the European settlers in Kenya to any extent. In any case, I am not aware that the European settlers are very anxious to welcome Jewish settlers. On the contrary, I gather that an association has been formed to oppose such a settlement scheme.

STATEMENT BY THE HONOURABLE THE FINANCE MEMBER  
RE THE DELETION OF A REPLY TO A SUPPLEMENTARY  
QUESTION.

**The Honourable Sir James Grigg** (Finance Member) : Two or three days ago, in the course of my replies to supplementary questions on the subject of the sugar excise, I made what must have appeared to some Members a rather hasty answer to a supplementary question by Mr. Manu Subedar. In the course of my reply, I suggested that the Honourable Member had been inconsistent in two of the supplementary questions which he had asked, but as soon as I saw the actual shorthand report of the question and answer, it became quite clear that I had misheard what the Honourable Member said and that there was no inconsistency in his questions. I have already expressed my regret to the Honourable Member, and I would ask permission to delete from the official report my answer on that occasion.

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau : Indian Commerce) : It is very decent of the Honourable the Finance Member to acknowledge his error, and I for myself, and I am sure that every Non-Official Member of the Opposition, appreciate the good parliamentary spirit, which has prompted his action. I am agreeable to the deletion of the objectionable portion.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is it the desire of the House that that answer should be deleted from the proceedings of the House ?

The Assembly agreed.

THE CRIMINAL LAW AMENDMENT BILL—*concl'd.*

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the motion :

“ That the Bill to amend the criminal law, as amended, be passed.”

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Mr. President, when you were pleased to adjourn the House last evening, I had just come to the arguments of my Honourable friend, Syed Ghulam Bhik Nairang, and I was saying that just as the Honourable the Deputy Commissioner from the Punjab has condemned British rule when he said that the people in the countryside have been so impoverished that they are looking for illegitimate methods of making

more money, so did my Honourable friend, the Syed Sahib, also condemn that rule when in a graphic way he described what would be the fate of our country if the British Empire were broken to pieces. If, after so many years of association we have come to this pass that we are totally unable to defend ourselves though we number 350 millions and we are threatened with another 50 millions at our next census,—though our numbers are so large, our power is so small—who is to blame except those who are in charge of the affairs of this country? In order not to pursue the point much farther I should like to assure my Honourable friend, the Syed Sahib, that the power, the inherent power of our people when it has grown to such dimensions that it can break British Imperialism, will also be sufficiently strong to protect the country from any further imperialism. He need not have any doubt about that.

But I come to another, and what I feel a more important part of his speech, namely, his reference to some incidents in Madras and his statement that some power was being misused there. I am at one with the Syed Sahib in that matter. But who is to blame? Did we not in this House move heaven and earth in order to end that Act? Did not Mr. B. Das fight from Session to Session to delete that obnoxious measure: and did not this Government support that measure? If only we had deleted that measure, this power would not have been in the hands of the Madras Government to be abused. Sir, I will remind Honourable Members of the speech of Sir Muhammad Yakub on that occasion. He definitely said that Provincial Governments in the then coming Provincial Autonomy would require this power. And did I not then say—the proceedings will show—that we ought not to trust the coming Provincial Governments with so much power? Then Sir Muhammad Yakub turned round and said: ‘Are you not going to trust your own people?’ Certainly not. What does all morality and all religion in this world teach—Trust not thyself. I know that when power is in my hands I am likely to abuse it. Did not the great Cambridge historian of freedom, Lord Acton, say that power demoralises and absolute power demoralises absolutely. If I am put into power, I should see to it that I am hedged all round with rules and regulations lest I should be tempted to abuse that power. Therefore, if any one is to blame, we here are to blame for not having erased that Act from the Statute-book. It is no use crying when you have put a dangerous toy in the hands of a child—and, after all, our ministers are only children in the act of administration. When you have put this power in their hands, they are most likely to abuse it; and, therefore, Sir, I say that we don’t want to give any further power to Provincial Governments or any Government. I feel that we were not going to go very far on the right path when we were entrusting, under the cover of the amendments passed yesterday, Provincial Governments with certain powers.

We know the Punjab. The Punjab Government consists of many military officers, I understand; and they naturally want recruits, so that others may go and be fodder for the cannon, when they themselves live in comfort. Sir, the background of this Bill is very nice. There is the case of Captain Lamba, for instance.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss that.

**Mr. Sri Prakasa :** I am not discussing his case. What I am saying is this, and if you will bear with me for a minute, I shall illustrate my point. I am just saying this that the background of this Bill is that the Government does not want any Indian officers. What it wants is recruits--humble men in order that they may be sent to war to be killed ; but when it comes to officers, they have another story to tell ; and it is only in that connection that I was referring to Captain Lamba's case. I am not going to discuss that case at all.

Then, Sir, after that, there is a letter in my hand from the Private Secretary to the Air Ministry in England, addressed to Mr. A. Deshmukh. It says :

“ The Secretary of State for Air desires me to acknowledge and thank you for your letter of the 30th July. Under the existing regulations for the Royal Air Force entry is strictly limited to candidates of European descent, and the Secretary of State much regrets that for various reasons it would not be practicable to depart from these regulations in a particular instance.”

These two instances show that they want our men only as food for cannon. They do not want our men to be leaders in war.

Now, Sir, I will come to two parts of the Bill itself. The Statement of Objects and Reasons says that a large number of public speeches have been made of a particular variety and then, Sir, Exception 2 of the Bill says, that if persons in good faith give particular advice to particular persons this Act will not apply. Now, I am going to tell the House exactly what the speeches were and what the speeches are going to be, Bill or no Bill. I have no need of the 155 excerpts that my Honourable friend opposite has culled from various speeches. I am going to say what my friends have said, what I have said, what we are all going to say. What have we said ? We have said it since the Madras Congress of 1927 that in case the British Empire is involved in any war we, on our part, are not going to help it ; and in fact, if at all possible, we are going to take advantage of the situation to wring our own freedom. This is all that we have said and this is all that we have continued to say and shall continue to say. We are not ashamed of what we have said.

My Honourable friend, the Leader of the Muslim Party, said, that there are crooks and cranks in every country. Sir, crooks certainly do not behave in the manner in which we have been behaving. We have been honestly and in a most straightforward manner telling people that we shall do this and shall not do that, if certain eventualities occur. I think the methods of crooks are very different. There is no pacifism here ; there is no militarism here. We say to all : “ don't go to war : England, France, Germany, Italy, Japan and Spain---don't go to war ; but if you do and ask us to help you in any way, we shall not help ; and, further, if possible, we shall avail of your difficulties to get back our freedom.” We do not want them to go to war but we say quite honestly and frankly that if they do we shall utilise the situation for our own good. The Britishers say they are here for our good. We have found that they are here for our goods ! We only want our good and the good of the world ; and we do not want the goods of any one else. It is enough if we can save our own goods : we are not worried about others ! What we wanted and badly needed was a Bill which

would say that any one going to the countryside and hectoring, bullying, beseeching, appealing and bribing our people to join the war shall be shot at sight. That is exactly what we wanted.

I vividly remember the methods that were followed in recruiting during the last Great War. I remember a meeting in my own home town of Benares where old women of both sexes gathered to preach the beauties of warfare ; and as they themselves were not to go there, they were naturally very eloquent. The Commissioner of the Division said—I am trying to use his exact language and even his intonation—‘ *Jo musibat main kam ata hai, vah dost hai* ’—a friend in need is a friend indeed. Though we were then all fit to go to war, we were all patriots and loyal subjects upholding the dignity of the British Empire, when the danger was past, what do we hear ? We hear that the type of men who come to our army is not the right one ! The Commissioner said : ‘ *Jo musibat main kam ata hai—dost hai* ’ and may I add : ‘ *jo aram main kam ata hai—dushman hai* ’. (A friend when not needed is an enemy.)

These old women of both sexes that assembled in the Town Hall at Benares sent recruits to the army from their villages ; and no Buddha or Sukku, no Zafar or Abdul got anything except broken limbs : but these men got titles. In fact further permutations and combinations of the English alphabet were made and new honours and new titles were created so that their insatiable thirst for distinction and dignity might be satisfied and appeased. That is what is happening. These recruits will get nothing but “ knighthoods ” with eternal darkness, will descend upon many gentlemen who sent others to war and pretended that they themselves have been in the war. They will strut out in their uniforms, they will expect everyone to salute them properly, while they have no scratch on their bodies anywhere. That is why we regard it cowardly to ask others to go to war when we are not prepared to go to war ourselves, when we know full well, in spite of our pretensions, that we are of an age when nobody will care to recruit us.

My very lovable and Honourable friend, the Nawab of Dehra,—whom, Sir, I may safely call an eternal “ knight ” on which the dawn never breaks, (Interruptions) in his various interruptions tried to put what may be called a racial or shall I say a caste touch on the whole situation. My Honourable friend, Captain Sardar Sir Sher Muhammad Khan,—I do not know whether he was wounded in the Great War or not—

**Captain Sardar Sir Sher Muhammad Khan** (Nominated Non-Official) : I was five years in the Great War.

**Mr. Sri Prakasa** : ..... was also sarcastically referring to a type of men whom he calls Banias. Well, Sir, so far as caste divisions go, I claim to be a Bania, and I am not ashamed to be that. But if my Honourable friend opposite wants to challenge me in single combat inside or outside this House.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. No challenges are allowed in this House.

**Mr. Sri Prakasa :** Well, Sir, I can say this that Bania or no Bania, as good blue blood flows in my veins and as good red blood flows in my arteries as it does in his or in that of anyone else in this country. All Indians are one and the same. Whether tea-sellers in my friend's (Mr. Abdul Qaiyum's) constituency in the streets of Peshawar or men who live on unearned incomes, all of us are alike and all of us are war-like. All of us are always ready to fight to defend our homes. Sir, I said yesterday there was no law and order in this country and I said that in the countryside even little girls and little boys have to defend themselves with the strength of their arms because there are no defenders of their hearths and homes. What do the soldiers do? Only the other day in Muttra some soldiers tried to kidnap a girl and the villagers gathered round and despite their shots and their cannon they were captured and brought to justice, though the justice meted out to them was most inadequate. Sir, a shot was fired and a man was killed. Well, are these soldiers expected to defend us? They are there to eat us up or to molest us, to defile us and to disturb us.

Sir, the question of defence has been brought up in the course of this debate. I am as much interested in the defence of my country as anyone else. But I say this that, regard being had to the poverty of this country, I do not think we can ever have a mechanised army of such proportions on land, in the air and in the water which would be able to withstand the onslaughts of other nations. What we can depend upon is man-power and man-power alone. We must learn the art of war from bees. If any Honourable Member of this House were to go to the marble rocks of Jubbulpore he will find that there are the graves of many British soldiers who had unfortunately come to grief there despite their shots and cannons, because swarms of bees attacked them. Sir, my idea is that we had better learn from the bees the art of war. They do not trouble you unless you provoke them. We are not going to provoke anybody. But if we are provoked, we shall, in large numbers, fall on our enemy and the enemy will be nowhere. Sir, my friend, Mr. Desmukh, said that there was danger from the air. Very well, there is danger from plague and epidemics of all sorts. Well, if some persons fly over us and drop bombs, we shall regard that as an epidemic; and as soon as the aeroplane falls to the ground, heaps of people will fall upon it and there will be an end of it—pilot, soldier and all. That will be the only way in which we can fight our enemy.

Sir, the Honourable the Law Member said the other day that there was no law of this sort in this country and a new law was wanted. I am sorry he is not here, but if he would give me half an hour in the lobby. I could show him how the Government here, such as it is, can manage people any way they like, law or no law. They can put a person in prison in any way they like. They can kill any person in prison and do what they like in the name of discipline. Certainly, as the conditions in the country are today, given the Indian Penal Code and the Criminal Procedure Code and given the sort of magistrates that adorn the Opposite Benches, I could manage the country in any way I like without any other law.

I have been speaking like this only because I feel, Sir, that there is still time to do the right. I want to appeal to my Honourable friend,



Mr. Ogilvie, to relent even now and withdraw the Bill. We assure him we love him, we love him to desperation ; we assure him that we love his country, we assure him that we love his countrymen : only we do not love his dog, the British Empire. We cannot possibly love that dog ; but if Mr. Ogilvie will only please consider the situation even now and see his error in fathering this Bill. I hope he will still relent and still withdraw his measure. Let him not take satisfaction like the Jat in the story who said that though he had been kicked all round, he had still saved his honour. When his friends asked him what happened, he replied : " Well, you see, some women assailed me, they shoe-beat me and those shoes fell thick and fast upon my head ; but I did not allow any shoes to fall on my *pagree*, which I left aloft." Sir, this measure has been attacked from this side and from that side and even from the side of those who may be regarded as the Government's natural friends : but let not Mr. Ogilvie say : " though we have been disgraced in every way, we have still kept our honour safe, because the Bill is on the Statute-book ".

**Khan Bahadur Nawab Siddique Ali Khan** (Central Provinces and Berar : Muhammadan) : Sir, I had decided not to take part in this debate, but my Honourable friend, Mr. Sri Prakasa, who is called the Prince of Humour by the Roy's Weekly and for whom myself and my Party have got great regard indulged in cheap jokes against the Leader of my Party, and the fun of it is that he said that Mr. Jinnah was like his father. Sir, I was taken by surprise to see a son ridiculing and misinterpreting his father in the manner he did yesterday.

**Mr. Sri Prakasa** : On a point of personal explanation. I did not say he was my father. I appealed to him as a father, that is the father of his children. I can say that he is my uncle.

**Khan Bahadur Nawab Siddique Ali Khan** : Sir, I do not know what our revered friend, Dr. Bhagavan Das, would have thought of his son if he had been here yesterday. I know that my Leader is strong enough to defend himself, but as a Member of this Honourable House, I am entitled to make some observations. I believe this incident was the first of its kind in the annals of this Honourable House. Will my Honourable friend feel happy if a Back-Bencher like myself gets up, ridicules and misinterprets the Leader of another Party for obtaining cheap popularity inside and outside this House ? I hope and trust that an incident of this nature will never happen on the floor of this Honourable House in future.

Sir, my Honourable friend, Mr. Sri Prakasa, yesterday said during the course of his speech that he will be the first to fight the Hindu Imperialism in India. May I invite him to visit my province and fight the Hindu Imperialism there ? May I tell him that the united efforts of the Mussalmans of the Central Provinces and Berar have failed in obtaining exemption for them from the forcible application of Vidya Mandir scheme ?

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : May I just ask the Honourable Member what is there in the scheme of Vidya Mandir which adversely affects Muslims as such ?

**Khan Bahadur Nawab Siddique Ali Khan :** I will explain it to you afterwards. On this vital issue, several Muslim members of the Muslim Congress Mass Contact Committees have resigned the Congress membership and have joined the Muslim League. I will quote a portion of the speech of an *ex*-Member of this Honourable House—Dr. N. B. Khare—who is also the *ex*-Premier of the Central Provinces.

**Mr. President** (The Honourable Sir Abdur Rahim) : The speeches have gone very wide of the mark already and I think the Honourable Member had better try to make his speech relevant to the motion before the House.

**Khan Bahadur Nawab Siddique Ali Khan :** I humbly submit, Sir, that I am trying to give a reply to my Honourable friend, Mr. Sri Prakasa.

**Mr. President** (The Honourable Sir Abdur Rahim) : If it is with reference to the remarks of another Member, then he can go on.

**Khan Bahadur Nawab Siddique Ali Khan :** Dr. Khare, the *ex*-Premier of the Central Provinces and Berar, said this in a public speech at Nagpur on the 18th of August :

“Provincialism, communalism and capitalism were entering the Congress in its present stage of development, and only when the Congress functioned as fully democratic organisation, these unhealthy tendencies would be held in check.”

May I request my friend, Mr. Sri Prakasa, once again to come to my province and fight against these three things ?

Sir, we heard a great deal during the last week about the trampling of civil liberty in India. May I give one illustration of civil liberty which is in force in this country ? Sir, the Congressmen have been ordered in Nagpur not to attend and speak in those meetings which are held to condemn the action of the Congress Working Committee for the injustice done to Dr. Khare. May I also say that some innocent Mussalmans were brutally murdered in Jubbulpore and the murderers have been let off against the wishes of the Mussalmans. It is said that this was done to bring about the Hindu-Muslim unity ! May I ask in all seriousness if this is civil liberty ? My Honourable friend, Maulvi Abdul Ghani, rightly said the other day :

“*Chun bakhilwat mirawand, An kare digar mikunand.*”

But, Sir, I will go a step further and make it more clear. There is a common proverb in Urdu which admirably fits in here. It says :

“*Hathi ke dant, khaneke aur dikhane ke aur.*”

Appeals have been made to us as a Party to reject this Bill. Our experience shows that the Muslim League Party is recognised as representing the Mussalmans, only when there is need of its help, but we are disowned the moment when it is believed that we will not serve any useful purpose. It is said, then, that we do not represent the Mussalmans. May I say that this game will not last long. If you want the white man to leave the shores of this country, the only remedy for you is to recognise the Muslim League as the representative of the Mussalmans of India and to come to a settlement with it about the Hindu-Muslim question. Then you will see that no earthly power will stop you from achieving the laudable object of attaining freedom. In the absence of any settlement, those who have accused us of selling the liberty of the country are surely strengthening the bondage of slavery

and are helping the British Raj to continue indefinitely. Sir, the amendments moved on behalf of my Party have made the Bill less harmful and I, therefore, commend it to the acceptance of the House.

**Mr. Ram Narayan Singh** (Chota Nagpur Division : Non-Muhammadan) : Sir, I thank you for the opportunity you have so kindly given me to express my views on the subject which is now under discussion. Along with you, Sir, I think I should thank many other people for this opportunity and I do thank them. At this fag-end of the discussion of the debate, I do not propose to make a long speech and to tire out the patience of this House. Throughout the debate, I have patiently listened to the speeches delivered by the Honourable Members, but I must confess that I have not been able to follow the true import of many of the speeches. The Bill has raised the question of the British Indian policies on all matters affecting this country and, consequently, the debate has brought the British Empire and its doings under examination. From the speeches of my friends here and outside the House, it appears that they do not realise the real position which we have in this country today. It appears that a misunderstanding still exists in the minds of many of our countrymen. I shall endeavour in my speech to clear those misunderstandings. A large number of grievances has been ventilated in the various speeches. I have not got so many grievances. I have only one grievance and that is not so much against the foreigners and the British rule in this country as against myself and my own countrymen. Sir, having known this British rule so long and so thoroughly, why do we then allow this Government to exist in this country even for a minute ?

Sir, it has been said that British people have made India poor and have destroyed the character and manhood of the people. I do not know why anybody should murmur against this natural process. This is quite a natural process. No foreign Government can be expected to do anything but this. The Britishers came to this country and are ruling here, not to make India rich, not to make the people of India honest and bold, but, to use the resources of India to make England rich and powerful. Sir, it is their business, by passing the Arms Act or otherwise, to make the people of India dishonest, cowardly and so on and so forth. Because it is very difficult to use honest people for selfish purposes. I hear the cry of Indianisation. I am really pained to hear this cry. I agree with my Honourable friend, Mr. Sri Prakasa, when he says that he does not like Indianisation. If you visit the jails, you will find that the general administration of the jails is conducted almost all by prisoners themselves. They have got almost home rule within the jail, but the key is in the hands of the jailor. In the same way, so long as the British rule is going to exist in this country, the key positions will be in their hands. It has been clearly stated by Government that to wholly Indianise the Indian army is an impossible thing. But still why this cry of Indianisation ? I feel that my countrymen do not understand the implication of this cry. As soon as we talk of Indianisation, we accept British rule in India. At the same time we also know what is the good of Indianisation. We know that half of the Government of India has been Indianised but has it brought any good to this country ? We have had three non-violent wars against the Government, in 1921, in 1930 and 1932. Who fought against us, not the military, not the British army, but the Indian police, the Indian C. I. D. and the Indian magistracy of this country. These three

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services, the police, the C. I. D. and the magistracy are almost wholly manned by Indians. It is, therefore, no good crying that the Indian army should be Indianised. I can say with conviction that Indians in the Government departments are more dangerous to the liberty movement of the country than foreigners themselves. I, therefore, say that we should be ashamed of this cry of Indianisation. The only thing we can do is to organise ourselves and to get rid of this foreign government. We have heard loud talks about our contribution in the last European war. It has been suggested that we, the people of India, made great sacrifices and saved the Empire. I do not agree with this. It is true that without Indian help the result of the war would have been quite different. Those of us who know the history of the last European war might remember the brilliant retreat of the British army from the field of Flanders. It was impossible for the British army to check the on-rushing torrent of German advance. Had there been no Indian Expeditionary Force at that time in the field of France to check the German advance, I think by this time Great Britain itself would have been a German dependency and my Honourable friend, Mr. Ogilvie, would have been at the most a county magistrate like my Honourable friend, Mr. Nur Muhammad, of the Punjab. It is quite true that without Indian help the British Government would have been nowhere in the world. But should we be proud of this achievement? Sir, I think we should be ashamed of this achievement. We should ponder how long we shall be so used by foreigners. Sir, further it has been said that as a reward of this contribution we have been given the Jallianwala Bagh, the crawling order and the bombs on the Frontier Province. Why should we expect from foreigners any better treatment? Let us know if we are going to be free and if we are going to call ourselves men and so long as we allow the Englishmen to remain on Indian soil, we must not expect boons but bombs. It has been said that the Punjab Government are anxious to have this measure. Here, in this House, we also find our Punjab friends being anxious for this measure. Sir, I remind my Punjab friends, especially those who form the present Punjab Government of the achievements they had in the first Indian War of Independence in 1857. From Delhi to Calcutta, the British Government was overthrown by the people there. It was the Punjabi soldiers who reconquered India for the British. So this sin or honour of saving the British rule in this country falls upon the Punjab. If they want to wash away this sin, it is their duty to cease to get recruits to the Indian army and to organise themselves into a national army and get rid of this Government. It has also been said by my Honourable friends that this question ought to have been approached in a spirit of co-operation. I do not understand what they mean by this. Is co-operation possible between India and England? Sir, is co-operation possible between a tiger and a goat? Co-operation can be had only between equals and between those who have common aims. To illustrate my point further, here I am a true Indian and there is my Honourable friend, Mr. Ogilvie, a true Britisher. So long as I am an Indian, I must be trying all the while, every minute of my life, to get rid of this Government. And so long as he is an Englishman he must always be thinking of keeping India under his control. How is co-operation possible? I, therefore, say that no sane man can talk of co-operation between India and England. I know there are people in this country who feel proud of calling themselves co-operators but I tell them

that they are not co-operators but only the property of the British people to be used by them for the good of the Britishers. And, if they do not accept this title and want a better title, I can say that they are nothing more than hirelings for the British people.

Sir, in the House a lot of jokes and gibes has gone against the principle of non-violence. I do not know what they understand by non-violence. We do not say that we are going to have Swaraj by non-violence ; we are going to have it by non-violent non-co-operation. If India as a whole and Indians to a man non-co-operate with this Government I think the Britishers will at once leave this country, even without their bag and baggage. Sir, non-violence is the sum total of all human virtues. When we talk of Swaraj by non-violent means we mean a nation-wide organisation and, as soon as we have that organisation, Swaraj will be possible. But when my Honourable friends say and talk of revolution by arms, where have they any arms for the purpose ? Revolution also requires an organisation in the country, but I say definitely that as soon as the country will be organised even by non-violent means we shall have the freedom of this country. Sir, the House has witnessed an exuberant exhibition of indignation at the bold and true speech of my Honourable friend, Mr. Abdul Qaiyum. They smelt nothing but racial hatred in that speech. Sir, by no stretch of imagination can I understand the audacity with which the cousins and countrymen of General Dyer and Michael O'Dwyer expect the love and regard from the people of this country. They see racial hatred in his speech. But is it not a fact that in matters of appointment racial discriminations are observed by the British people ? Is it for the love of India that they discriminate in matters of appointment ? It is nothing but distrust and hatred which prevent them from making appointments without any considerations of caste and creed. Sir, it is hatred on their part which makes them discriminate in matters of appointment and if the same discrimination creates hatred in our minds, it is but a natural thing and they must not expect anything more from the people of India. Sir, some of my Honourable friends have described the British Empire as an old woman and some have described it as an old man. I say the British Empire is dead, at least in this country. I shall elucidate my point. All people know that every living being has got a life and soul and so every Governmental organisation also has got a soul and that soul is the power of doing justice. Who will deny that this Government and this British Empire has lost the power of doing justice ? That having gone, the life and soul is gone. But there is one thing very peculiar and that is that though this Empire is dead and gone, it has not been buried. It is rotting and giving out a very bad smell causing suffering to humanity throughout the world. But I see that those who have been left behind in this Empire are now active in the way of performing its funeral ceremony. This measure is of the activities in this direction.

Sir, before I close I must express my regret at the attitude of some of my countrymen who are at this juncture helping this Government. Their attitude reminds me of a *maskatwa* in our parts which is a class of beggar who cuts his flesh to exact alms from onlookers and spectators. I think some of my countrymen are behaving in this manner in this House. I heard Mr. Jinnah, for whom I have the greatest regard, saying that throwing out this measure will not solve the problem of India and there is a better method which is available to all. I wish he had explained what he

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means by a better method. Sir, the Indian National Congress has already resolved not to help Britain in the coming Imperialist war. So far as I can see, this Bill is a challenge or ultimatum to the Congress to fight. I wish the Congress to take up the challenge and exert every nerve to put an end to all these forces. With these words as an honest man I oppose the motion that the Bill be passed, but as the *Narada* of ancient history I wish this Bill to be passed because I know that in the repression and oppression of the people of this country by Britain lies our salvation.

**Mr. K. S. Gupta** (Ganjam *cum* Vizagapatam : Non-Muhammadian Rural) : Sir, now that the Bill has been passed once and it requires another seal in a short time, I think India will not in any way be deterred from its determination to fight to the end for its independence. And the crisis which you refer to is not brought about by our disloyalty, but your post-war policy at home and abroad is responsible for the crisis of which you are afraid and shaking in your shoes. Let me say that you sent messages from His Majesty downwards to the people and Princes of India during the Great War and previous to the war. We supplied you with men and money and with everything that you wanted. Our men who fought in Flanders and other places and shed their blood saved you and your honour and the honour of the British Empire. If there had been a dash to Calais by the Kaiser what would have been the fate of the British Empire ? It would have been nowhere. Now, after the war, your policy in India was based on sheer injustice and you have driven to the winds all the Christian principles of charity, fairplay and justice.

The other day, you had the cheek to call Punjab, the gallant Punjab.

1 P.M. What have you done to the gallant Punjab after the war ? You made gallant Punjab crawl on its belly. No self-respecting Indian will ever fight for you for having done this injustice to the gallant Punjab. Now, you say that the Punjab wants such obnoxious measure as this. If you take a plebescite or referendum in the Punjab you will see that 99 per cent. of the Punjab will say nay to it. The indecent haste with which you have thrust the Bill on this House and want to pass it shows you are afraid of a national plebescite. You deny our right to vote on a future war, but you want our vote to pass this Bill. You have given two crores of rupees to the British army in India and now you want us to make a present of this Bill to the distressed and oppressed and compressed soldiers of the Indian army here. Are you justified in doing it ? Are you justified in insulting us and, at the same time, asking our support to this Bill ? You talk of loyalty. How on earth can we be loyal to you for having insulted our manhood not on one occasion but on several occasions ? The other day you took objection to some of us saying that the British Empire is like an old woman. I happened to see a caricature the other day that in the year 1857 when India was waging a war of independence, otherwise called the great Indian Mutiny, the English lion was falling upon the Bengal tiger. Now what is that lion doing ? It is no doubt a lion, but it is blind and is groping in the dark. What is it doing in respect of its foreign policy ? What has it done to the rape of Abyssinia. Have we forgotten Hoare's speech, Hoare-Laval agreement and your subsequent raising of the sanctions ? Are you justified in doing all that ? Your foreign policy is one of vacillation and oscillation. As regards

India what have you done ? In India 90 per cent. do not know what a full meal a day is, and yet you are giving your British armies a fifth meal, which you are not ashamed to take. Some of the Members on the Official Benches and others were questioning the efficacy of non-violence.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought to address the Chair.

**Mr. K. S. Gupta** : I can understand.....

**Mr. M. S. Aney** : You address the Chair, but look at us.

**Mr. K. S. Gupta** : If the Ataturk does not believe in miracles, at least John Bull should realise that " the days of miracles are not yet gone." It was asked where is Indianisation in the army, when there is no army ? I am not afraid, if the army is raised from India. I depend on my weapon of non-violence : I depend on my weapon of truth. Every man and woman, old and young, will stand to the last to fight for the freedom of India ; and if every Englishman is to leave India tomorrow, we will not be sorry and we will not be the poorer for it. The other day a magistrate of the gallant Punjab, no doubt a very costly hireling, came and brought a message of peace and good-will from the badmashes and rowdies that they are ready for war. He has now appealed to his co-religionists ' The Muslim League ', saying that certain people are very anxious for war in order to get proper prices for their goods. During the last war they had proper prices : subsequent to the war it is the British Government that is responsible for the low prices and the low standard of living in India. It looks as if they are afraid of the masses and they encourage them in their clamour for war : but if such a war is waged, British imperialism will know its position by and by. Mr. Jinnah said that he was joining hands with the Government only because he chose the lesser evil : I suppose he sees something very bad when he says this is the lesser evil : but he still says he supports this obnoxious Bill with its intolerable and unwarranted penalties. He further says he is not going to cut his nose to spite his face. What else is it ? ' Eyes have they, yet they see not.' I can only say that it will be too late for him to see that his nose is cut in spite of all his earnestness to save his neck. As for the legal position, no doubt the Honourable the Law Member had a very easy delivery the other day without any pains or labour ; but his judgment was questioned by us on this side, by a redoubtable lawyer and supported by another redoubtable lawyer on the other side. If it is a judgment, we know that there is always a higher authority—the country, and let it be taken to that. We may see that there the law does not hold good and the decision may be reversed. Such a costly hireling as the Law Member had to come to the rescue of the Government to say that such a law is absolutely essential for the creation of a new crime befitting the imagination of the Government. Do you deny our right to say whether the future war should be fought or not and whether we are willing to partake or not ? For instance, you see at Geneva the Right Honourable Mackenzie-King saying on Tuesday, the 29th September, 1936 :

" I have in mind our experience as a member of the British Commonwealth of Nations. The nations of the British Commonwealth are held together by ties of friendship, by similar political institutions, and by common attachment to democratic ideals, rather than by commitments to join together in war...."

" I have in mind our experience as a member of the British Commonwealth of Nations."

[Mr. K. S. Gupta.]

We wanted you to treat us as your friends, but you scoffed at us and you have treated us as helots in our own country. The political institutions of England are different from the political institutions of India. Here our political institutions are an apology to those of England. Have we the same democratic ideals ? I say no, an emphatic no. We want independence, but you want to suppress the very idea of independence in our mind, and you want us to commit ourselves to any war that may be fought at any time, at any place, on any occasion and on any account. Is this right ?

The Canadian Representative says :

“ The Canadian Parliament reserves to itself the right to declare in the light of the circumstances existing at the time, to what extent, if at all, Canada will participate in conflicts in which other members of the Commonwealth may be engaged.”

Now, Sir, we have been under your suzerainty for over 150 years, and for having served you so faithfully and loyally, what has been the return to us ? We have been treated as slaves. Is this the present to our manhood and to the gallantry of the gentlemen of the Punjab on the other side ? No, Sir, I ask you to take into consideration all the services that India has rendered to the British Empire all these years to make you stand erect in the comity of nations and we ask you seriously to consider where would you have been but for India and its co-operation to you in times of need.

Now, Sir, at the same Conference His Highness the Aga Khan said this : “ A wise man learns from the past ; he does not let the past master him ”. What does the Honourable gentleman say the other day with regard to Palestine ? “ We know now what is going on there, and yet we do not grow wiser.” Mr. Jinnah might not see the difference between an Indian of 1914 and 1938, but I see the difference between Mr. Jinnah and Maulana Shaukat Ali of 1916 and 1938. It is my great misfortune, and it is the misfortune of my country that we should have people who change their coats so freely. His Highness the Aga Khan further says : “ Follow the right as we see it.” Now, do you see that we have the absolute right to decide whether the impending war is to our advantage or disadvantage ?

Lastly, Sir, I would say that the day of judgment is drawing nigh, and they will have to answer for their sins of omission and commission.

**Mr. President** (The Honourable Sir Abdur Rahim) : I understand Mr. Satyamurti wishes to speak.

**Mr. S. Satyamurti** : After Mr. Abdur Rasheed Chaudhury has spoken, I shall speak.

**Mr. President** (The Honourable Sir Abdur Rahim) : I don't think that was the arrangement that was presented to me.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.



The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Maulvi Abdur Rasheed Chaudhury** (Assam : Muhammadan) : The Government have come out triumphant in so far as they have successfully piloted this Bill with the help of their supporters, but the fact remains that this Bill will be considered as one of the worst measures ever passed in this House. We have seen how Government can still exert their influence and can arrange pacts with individuals and groups in order to gain their objects. So long as this state of things continues, I am afraid all talk about the self-determination of India by different groups would remain as tall talk and nothing else. The Government Members must be amusing themselves and saying to themselves that so far as the Swaraj of India is concerned, Delhi *hinoz dur ast*.

Sir, I now come to the Bill itself. It is a plain fact that the Honourable the Defence Secretary could not make out a case for bringing in a Bill of this kind. It has been admitted even by the Leader of the Muslim League Group that no case was made out. The Honourable the Defence Secretary said something which I believe has been contradicted by Khan Bahadur Nur Muhammad. The Honourable the Defence Secretary said that there was a dearth of recruits, although he did not say by how much, or by what percentage the recruitment has fallen short. The Honourable the Khan Bahadur said that in the Punjab he has it in his experience that people are anxious to enter the army and there are any number of recruits available. Reading the statements of those two gentlemen, one comes to the conclusion that either the one or the other or both must be untrue. Then the Honourable the Defence Secretary could not show that there was any urgency for a Bill of this nature. He did not speak a word to show that there was any such urgency. In the face of this I fail to understand why this Bill is being rushed through so hurriedly without following the normal procedure, namely, sending it for eliciting public opinion. There were two or three motions for eliciting public opinion. Of course, one was for postponing it for a long period, perhaps *sine die*, but the other one was not like that. That wanted only two months' time and it was proposed that the Bill should be circulated for eliciting public opinion by the 31st October, 1938. The purpose of the Bill would not have been defeated if the ordinary procedure, namely, sending the Bill for eliciting public opinion, had been followed. So far as the supporters of this Bill are concerned, one conspicuous thing appears to me. I do not remember to have heard from any of the supporters of this measure about the aims and objects of this Bill. The Honourable the Defence Secretary is quite plain in his aims and objects. He has not put in his aims and objects inadvertently ; he has put them in wilfully, and the Statement of Objects and Reasons says that this Bill is intended to get recruits for fighting the battles of the British Empire and not of India. Such being the case, I do not understand why a message as suggested by the Leader of the Muslim Group...

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : Leader of the Muslim League Party. Be respectful.

**Maulvi Abdur Rasheed Chaudhury** : Thank you. Why a message as suggested by him cannot be sent to the country,—

“ Here is a measure. The Government want recruits for fighting the battles of the British Empire and not of India. I am to tell you that it is your option. If you like, you may join ; if you do not like you may not join.”

I do not see what harm can be done in issuing such a message like that. More than one supporter of this Bill has said that they have preferred the lesser of the evils. Well, Sir, if that is so, if actually that is the fact, I think they have done well, but let us see whether that is the fact or not. The Bill is going to be passed, there is no doubt about that. After those amendments have been passed the Bill has been reduced to something with which the Government side will not remain satisfied. If my Honourable friend, Mr. Sri Prakasa, goes to the Punjab and preaches to the people that they should not join the army which is intended to fight the battles of the British Empire, the police, of course, will take notice of it and will send it to the Punjab Government. But I dare say that Sir Sikandar Hayat Khan for the sake of his existence will be able to.....

**Syed Ghulam Bhik Nairang** : I protest against any remarks against an Honourable Minister who is not here to defend himself.

**Maulvi Abdur Rasheed Chaudhury** : I am thankful to the Honourable Member. I say the Punjab Government. I do not think that the present Punjab Government for the sake of their very existence will dare to take a step against my Honourable friend, Mr. Sri Prakasa.

**Syed Ghulam Bhik Nairang** : Then do not worry.

**Maulvi Abdur Rasheed Chaudhury** : So far as the Government are concerned, they have simply been deceived ; they won't gain anything by this measure. So far as the people of the country are concerned, I agree with my Honourable friends, the supporters of this measure, that they have mitigated the rigour of the Bill, but whether by doing this they have mitigated the evil is the point to be considered in this connection. What will be the effect of this Bill. By having a measure like this passed the Government have not been able to gain anything, but their supporters are forcing the Government to bring in Ordinances in order to gain the object for which they intended this Bill. If that be so, I should say that my Honourable friends have preferred the greater of the two evils and not the lesser of the two.

Now, Sir, let us see what is this Indian army for which these recruits are wanted. I need not go into details. My friend, Dr. Deshmukh, gave a concrete example yesterday that in the Indian Air Force out of 2,000 officers only three are Indians. My friends will think within their heart of hearts what support they are giving to this Government for the interest of India. Now, as to the use of the Indian army in future, I gave an example the other day of Jallianwala Bagh and Kulcati. My friend, Maulana Zafar Ali, said in his speech that Government has changed its attitude. I wish that was the case but neither the Defence Secretary nor the Foreign Secretary said a word about the change. We find that the policy of the Government is just the same. We find they are killing the innocent Arabs day in and day out for what cause—because they do not like the partition of Palestine. We find the British army is killing innocent Muslim brethren in Waziristan by bombs and what for—because they do not like to be subjected by this British Government. I

must say that the policy of the Government has not changed and it cannot change, so far as I have been able to see all these years. When the Leader of the Muslim Group was telling this House that he has in his possession a weapon by which he would paralyse this Government if the army is used against India's interests, I asked him to explain what he meant so that the public may know. Secret or no secret, in a measure like this, the House should not be put in confusion. If anybody has got a weapon he should plainly tell the public what it is. Sir, I had no mind to speak on the third reading but after hearing the speech of my friend, Mr. Siddique Ali, I was tempted to speak. He told the House that if the majority party recognise the Muslim League to be the sole spokesman of the Mussalmans, then he is ready to co-operate. The grievances of the community and the remedies have been rightly and aptly put by the experts like Mr. Jinnah in his 21 points. It is only the experts who should handle these delicate matters. This is not the only grievance that the majority party does not recognise the Muslim League as the true representative of the Mussalmans. I, for myself, shall be satisfied if the majority party accepts all other demands and rejects this demand. The time is coming and the whole of India is watching what is going on between the Leader of the Muslim Group and the Leader of the Majority Party. The country is watching with interest what we are doing here and you soon have to give an account of this to the country. I am awfully sorry that the Government are still in a position to create their Mir Jaffers and Mir Sadiks. As long as they will be able to do this they can say : ' Hurrah, we are in India for ever, so long as these men exist '. Sir, that is what I wanted to say.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Mr. Satyamurti. May I hope that you will not be very long ?

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Mr. Deputy President, I really want to make a very few points at the conclusion of this long-drawn debate. The first point I want to make is that the Punjab Government, as a Government, have not addressed the Government of India and asked for this Bill. I make this statement, with a full sense of my responsibility from my place in this House. I challenge the Government to produce the document or the despatch or the letter from the Punjab Government in which they have asked for this Bill. I suggest that this is a conspiracy between Sir Sikander Hayat Khan, His Excellency Sir Henry Craik, and His Excellency the Commander-in-Chief. My second point is that when you are going to legislate on a concurrent subject like this—and I submit it with all deference to my esteemed friend, the Honourable the Law Member—you ought to have placed before the House the opinions of all Local Governments. You have not done so. My third point is that the amendment which the Government have now accepted and the House has passed, leaving it to the Local Governments to enforce this Bill, as and when they require it, knocks the remaining bottom out of the case of the Government if ever they had any. They came to this House, as you will remember, Mr. Deputy President, with this statement that this Bill shall come into force in the Punjab at once, and both the Defence Secretary and the Honourable the Home Member, I believe, said that the evil is rampant in the Punjab and it ought to be checked immediately. Now in order to get a few votes, you have now gone back on your own statement. Sir, I have seen this Government at

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work for four years, but I have not seen a more humiliating position in which the Government has placed itself, when it came a week before and said that the Punjab was the place where they wanted this Bill at once, and a week later they collapse on that very issue and say, "we do not want it for any province, let them enforce it as and when they want it." The simple point is this. The Honourable the Defence Secretary wants a Bill ; he does not want *his* Bill ; it does not matter whether it satisfies his objects or not ; let him have his paper victory.

The next point I want to make is this. The Statement of Objects and Reasons stated with great eclat that they are going to punish activities dissuading would-be soldiers from joining in any war in which the British Empire may be engaged ; but, I think, I am right in saying that every elected Indian Member of this House has told this Government that when the next war comes the Indian Army will not participate in it, unless *we* decide to do so. This Bill, apart from its stated Statement of Objects and Reasons, is really an attempt to get the vote of this House in favour of India's participation in England's next war in order to impress Hitler, Mussolini and company. The Government will not walk away with that ; even Reuter's ingenuity cannot prevent Germany, Italy and Japan knowing the real feelings of this House. Those countries' representatives are here, and in Simla and about this House. They have heard all the speeches of all the Indian elected Members and these speeches have warned Great Britain, even from those who support this Bill, that when the next war comes, we will not take part in it, unless and until we decide that it is in our interest. Therefore, Government are not getting the object with which they brought forward this Bill ; they brought in one Bill, they are getting another Bill, and I wish them the joy of this pyrrhic victory.

So far as the subject of concurrent legislation is concerned, I have re-examined the matter, in the light of the observations of my distinguished Leader and of the equally distinguished Law Member ; and I want to submit to him and to the Government that there is at least a *prima facie* case for saying that this is subject of criminal law, affecting as it does nobody in the Indian defence forces, since the instigator is an ordinary citizen and the instigated is an ordinary citizen, since the dissuador is an ordinary citizen and the dissuaded is an ordinary citizen, and none of them is a member of the defence forces. Therefore, it is simple and pure "criminal law" not touching His Majesty's forces, and I submit that it does not come under the Federal List. Assuming for argument's sake that we are wrong and the Honourable the Law Member and the Honourable the Leader of the Muslim League are right—I need not question that—I suggest that there is one section in the Government of India Act, section 213, which ought to be availed of. When any such question arises, the Governor General ought to refer this question to the Federal Court and get their opinion. The Federal Court is not now over-worked.....

**An Honourable Member :** They have no work at all.

**Mr. S. Satyamurti :** I suggest to the Government that they are shirking their duty and not availing themselves of the expert advice of this Statutory Federal Court ; for, after all, Mr. Deputy President, whatever we may do with this Bill, if and when Federation does come, the relations between the Federal Government and the Provinces will have to

be managed very tactfully and delicately. And, in regard to a concurrent subject, I wish to lay down that we ought not to rush in, unless at least the majority of the Provincial Governments want it. In this case, I assert again that no Local Government as such has wanted this Bill, we may legislate if we want uniformity, or at the request of two or more Provincial Governments or if there is a supreme all-India purpose to be served. The fact is that Sir Sikander Hayat Khan one fine morning gets up and thinks that recruitment may be stopped and so he says, "I want the Bill" and the Government of India says: "yes". It does seem to me, Sir, that, in a matter of this kind, we are being rushed and we are establishing an unhealthy precedent for the future in the matter of the relation of the Federation towards the provinces.

As far as the case for this Bill is concerned, the Honourable the Leader of the Muslim League said that when he heard the Defence Secretary, he thought he had not made out his case but that our speeches made out a case for him.....

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : I do not think that is quite correct, Sir. I said that when the Member in charge finished his speech, naturally I was not satisfied but that when the other speeches were made, particularly, the Honourable the Home Member's speech, I came to the conclusion that a *prima facie* case had been made and I said that if there was any doubt at all left, that doubt of mine was removed because of certain speeches that were made.

**Mr. S. Satyamurti** : I accept that correction. If a doubt were there, he would not have voted with the Government, but the doubt was removed by various speeches of ours. Sir, who wanted the soldiers to mutiny ? I deny, emphatically and categorically, that any Member of this Honourable House has ever said that we want soldiers and sailors to mutiny ; we have too much respect for the safety and independence of our country to encourage any soldier or sailor to mutiny or to be insubordinate. Sir, there is no use taking one sentence and then building up a case for yourself. I ask my Honourable friend, the Leader of the Muslim League, to believe me when I say that we do not want mutiny or insubordination in the Army. Therefore, there is no case for this Bill.

Then, so far as the evidence for this Bill is concerned, no speeches have been produced at all. The Honourable the Home Member's speech was referred to. I look upon that speech as a very plausible, careful, and inoffensive one. I have no quarrel with the form of it. But, apart from giving some staggering numbers, I maintain that no speech has been placed yet before this House to convince any reasonable man that any attempt has been made in certain speeches to commit these "offences" as it is made out to be. Therefore, I suggest that so far as the case for this Bill is concerned, it is gone ; and so far as the actual contents of the Bill are concerned, you are creating offences of acts which no civilized Government ought to create. As our Leader said, we must have the liberty to go and tell our fellow-citizens, "do not join a mercenary army, do not be willing cannon-fodder for England's imperialistic ventures".

Sir, I was highly flattered yesterday when the Leader of the Muslim League did me the compliment of taking my speech and taking my six points one by one and saying one after the other, "I entirely agree". Sir, I have sometimes heard it said that in law courts judges occasionally

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say : “ judgment for the plaintiff, decree for the defendant ”. Sir, I find the Leader of the Muslim League has given all his arguments in my favour, and all his votes in favour of the Government. That is a dilemma which I want him to enjoy himself in ; but I want to warn him that, after the Bill becomes law in the Punjab if it does, if he makes a speech such as he has done in this House and in spite of the fact that he is Sir Sikandar Hayat Khan's friend, he will get one year !

Then, Sir, he asked us one rhetorical question. He said : “ Yes, I want all these reforms. I want the Indian army to be Indianised. I want a Defence responsible Minister. I do not want to take part in all this, but why vote against this Bill ” ? Is that a “ lever ” ? I am not a mechanical engineer, but may I ask my distinguished friend whether his speaking for me and voting for the Government is a lever at all. My lever may not be powerful, but it is at least a lever. His attitude is calculated to encourage the Government to go on in their present ways. It is not right for him to say that my lever is not a lever. He is too much of a Parliamentarian. We ought to know better. Why are Government so anxious to get this Bill through ? They know better than he the value of the vote of this House. That is why they are here constantly and that is why they readily accepted all his amendments. I do not know if Mr. Ogilvie even read those amendments. They were all simply moved and accepted by Mr. Ogilvie. The House never discussed them, and nobody understood what was in them. It is a kind of thing which I have not seen or heard of in any parliamentary House at all. No attempt was made to take the House into confidence and to argue the *pros* and *cons* of any amendment. ‘ Anything for your vote ; let me walk away with some kind of Bill ’. That was the kind of transaction which I witnessed yesterday.

I suggest to the Honourable the Leader of the Muslim League that their voting with the Government on this Bill will not save them when the time comes. My friend said, we will paralyse them. I am not a doctor ; The Honourable Dr. Deshmukh is. I do not know how paralysis is produced. But I know this that if you feed your patient with good food, tonics, exercise, pleasant walks and always flatter him and keep him in good humour, paralysis and he will remain far apart.

**Dr. G. V. Deshmukh :** Paralysis in these circumstances will be impossible.

**Mr. S. Satyamurti :** You have the expert opinion of the Bombay Doctor, my esteemed friend, Dr. Deshmukh, that paralysis in that case is impossible, but somehow or other, by their intellectual legerdemain, the Honourable Members of the Muslim League have persuaded themselves that, while they will now vote for this Bill and help recruitment and stop genuine speeches in the exercise of the right of freedom of speech, they will be able to say when the time comes to the Defence forces that ‘ you shall not fight for others, but fight for your own country ’. Sir, when actually the Frontier operations are going on, I want to attribute no motives, but my brain reels at the speeches of some of the friends of the Muslim League, when they say : “ We do not want bombing in the

Frontier but we will vote for this Bill''. It is going on, and yet they will vote for this Bill. I should like them to solve this dilemma for themselves.

As far as Palestine is concerned, their hearts bleed for the Palestine Arabs, and we know what is happening there. Day after day, the Arabs and the Jews are being killed and murdered, and yet, when something happens, they will get up and say to the Government of India 'Stop' and they will stop! That is childish. No responsible House can agree to a voting of this sort on this Bill. I have in my possession telegrams from the Ahirars and other Mussalmans. I have also got telegrams from the Jamiat-i-Ulemas and, as my Leader reminds me, from the Muslim Students Federation. They have all asked us to oppose this Bill. (Ironical Laughter from the Muslim League Benches.) I know this laughter. At a time, in England, when they had Protestants, Dissenters and various other dissentients, one lady told some friends: "My husband and I are the only two Christians left in England, and I am not so sure of John either". I know my Mussalman countrymen better than you do. I know the Hindus and the Mussalmans. You may join with Government and help them to carry this Bill, but the days of reckoning are not far off. (Cries and Interruptions.) I am not yielding to these cries.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): An Honourable Member wishes to raise a point of order.

**Seth Haji Sir Abdoola Haroon** (Sind: Muhammadan Rural): Sir, I rise to a point of order. The Honourable Member is addressing the Muslim League. I want to know whether you will allow us to give a reply to the Honourable Member.

**Mr. S. Satyamurti**: It is not a point of order. I am surprised that the Leader of the House was supporting such a point of order.

**The Honourable Sir Muhammad Zafrullah Khan**: Sir, I must protest against that remark. All that I said was that a Member wanted to raise a point of order and that the speaker ought to give way. I should like to know whether Mr. Satyamurti differs from that position.

**Mr. S. Satyamurti**: I do not. But, Sir, I merely want to point out this. So far as Palestine is concerned, when the next war breaks out there, and Indian soldiers are sent out to shoot down the Arabs in Palestine, what are my friends going to do? Let them face a Palestine Conference, if they dare.

Sir, I want to conclude on one note. I said that the British Empire's disappearance will mean happiness, peace, and prosperity to the world. I was provoked into that statement by the Honourable the Defence Secretary's rhetorical statement: 'What will happen if the British Empire disappears'? Let me make my position clear. I have no use for any Imperialism, British, German, French, Italian, Japanese or even Indian, although in some of my vain moments I imagine that I may conquer England and sit on those Treasury Benches and face all these gentlemen on these Benches and teach them how to treat the Opposition. I would like to have that power at least for the purpose of showing them how to

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govern a country better than they are governing men. I am against all Imperialism and I want the British Imperialism and all other Imperialisms to go.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Question.

**Mr. S. Satyamurti** : You may question me, because you do not know me and because you are so much an Imperialist yourself that you cannot understand me. So far as I am concerned, I am a profound and convinced democrat. I believe in democracy ; I believe in human personality ; I believe in human equality. Therefore, let me not be misunderstood.

My friend, the Honourable the Home Member, in spite of his somewhat conciliatory speech, tried to make fun of non-violence. I beg of him not to do it. After all, today there is peace in India because of Mahatma Gandhi's cult of non-violence. I think he knows the Mahatma, and I would ask him not to make fun of it. He said—and so far as this statement is concerned, I think he was right—that God is on the side of the big battalions. The British God always is. But, so far as non-violence is concerned, it was not on the side of the big battalions at all. During the civil disobedience movements when men, women and children were beaten like dogs in the streets of Bombay, Calcutta and Madras, when your brutal policemen beat them with their *lathis* and when we were shot, there was not one exhibition of violence on our part. The battalions were all on your side, non-violence was on our side. Therefore, this perpetual problem will always remain. We want to arm ourselves, we want a national army to defend our country and to enable us to attain our freedom and then to act as a force on the side of universal peace. That is what the League of Nations was founded for. That is what President Roosevelt wants to do. A free and self-governing India will be able to act as a powerful factor in favour of world peace.

To sum up, Sir, there is no case made out for this Bill, no speeches have been produced, no arguments have been advanced in support of the Bill, no figures have been given to show that recruitment has fallen on account of any propaganda, no Local Governments have asked for the measure, and we are now asked to abdicate our function, and to ask other Legislatures and Governments to enforce it. In these circumstances, Sir, I think the House ought to say that we reserve to ourselves and to our countrymen the full civil liberty of preaching to our people to be self-respecting and not to sell themselves as cannon fodder or as mercenaries. That is the kind of thing which this Bill seeks to punish.

I want to remind the House that those who do not vote with us against the Bill—I will not use the words which my Honourable friend, the Leader of the Muslim Group, complained of—I will tell them that this country is bound to attain her freedom sooner than you imagine. When a great people make up their mind to obtain freedom, there is no power on earth, no not even Great Britain, nor even the Muslim League,—which can stand in our way. This country will obtain her freedom. When after 20 or 30 or 40 years hence, our children and our children's children will be talking of these days when we were slaves of England, they



will ask themselves what their fathers and forefathers did in those days. For God's sake, please do leave them the heritage of saying : ' our fathers and forefathers fought a good non-violent battle for the freedom of India ' ; but do not leave them the ugly heritage of saying that their fathers or forefathers voted for this despicable Bill. Sir, I oppose this Bill.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I had no desire to take part in this debate at this fag end of the day, but the onslaughts which have been hurled at my Party, the Muslim League, compel me to take part in the way of a reply as to why we, the Muslim League Group, thought it more reasonable to be a party to the passing of this Bill. I think the Congress Party ought to have congratulated us for having lessened the rigours of the Bill by a few important amendments, as the Honourable Member, Dr. Deshmukh, himself accepted a few hours before. The Bill was much worse without our amendments. We explained the position to the Government and the Government, after due consideration, thought it advisable and necessary to accept the amendments suggested by our Party, and so they did. This was the best we could do, and our distinguished Leader, the Honourable Mr. Jinnah, was certainly correct in saying that he chose the lesser of the two evils and that was why he agreed to support the Bill provided our amendments were accepted by the Government. Do Honourable Members of the Congress Party realise what would have been the position if this Bill had been rejected ? The Government would have enforced this measure by certification. In that case, the Bill would have been placed on the Statute-book with the same rigours containing the same drastic clauses as were originally introduced. If our Congress friends agree, as the Honourable Member, Dr. Deshmukh, of the Congress Party has agreed—that the Bill has been made less harmful, then the Congress Party ought to congratulate the Members of the Muslim League Party for having blunted the edge of the weapon, although we were not able to remove this obnoxious weapon altogether.

My Honourable friend, Dr. Deshmukh, then said : " Oh ! yes, death was inevitable, but why commit suicide ? ". There is no question of committing suicide at all. The only position according to him is this, that if you cannot improve the condition of your patient satisfactorily, you must kill him. Probably Dr. Deshmukh's experience in his medical profession is that if he cannot cure disease, he will kill the patient.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : No, no.

**Mr. Muhammad Nauman** : However, I must confess my feeling of surprise, when the best champions of the Congress Party like my Honourable friend, Mr. Satyamurti, who just said that the Congress felt so much for the Arabs killed in Palestine, and for the frontier tribes killed in Waziristan. He probably thinks that we do not feel so much. In our speeches we have deliberately said what our feelings have been and what they are. The unfortunate position is that, in all the provinces where the Congress is governing, there are communal riots. Fortunately, or unfortunately, that is the outcome of

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the responsible Government carried on in the seven Congress provinces. Every day we hear of communal riots. In the province of Bihar, where I come from, every day Muslims are killed on account of riots. The Congress do not care to feel for them, but they feel for our brothers outside ! When a member of the Muslim community is shot down, the Congress Government think that no harm is done. In Jubulpore, murderers have been allowed to go scot free. Congress Members do not feel for them.

**An Honourable Member :** Who caused the riots ?

**Mr. Muhammad Nauman :** Certainly the Congress used to say that there was the third party in the bargain, and that was why these communal riots occurred. But my unfortunate experience in Bihar, where the Congress Government is ruling for the last eleven months, is that there have been many more riots during the past few months of the Congress rule than there were ever before. I think my Honourable friends who come from Bihar will bear me out. When my Honourable friend, Maulana Zafar Ali Khan, was telling some bare truths about the Congress Imperialism and oligarchy, my Honourable friends of the Congress Party were very much annoyed. May I request them to examine the treatment meted out to Mr. Shariff, ex-Minister of Central Provinces, and also the treatment meted out to Dr. Khare ? These are outstanding instances of the way in which the Congress oligarchy, or, as it is called the " High Command ", has been behaving with this country and her people.

Another position which has been taken up by my Honourable friend, Mr. Satyamurti, just now in his speech is that the Congress Members alone are the champions of democracy. If this is the specimen of democracy under Congress rule, then, may God save us from this democracy ! This is a democracy of which nobody can be proud.

Then, again, my Honourable friend, Mr. Satyamurti, has accused us just now of being proud of holding the balance of power in this House. Ever since we entered this House in 1935, we have always voted for what we conscientiously thought was the correct and just position. It is we that were able to create prestige in this House and enhance the prestige of the Opposition in the country. In spite of our best intentions all these years, we now find that our position is not appreciated. Of course, we do not care for Congress appreciation. We are responsible to our constituencies for the way in which we conduct ourselves in this House, for the way in which we speak in this House, and for the way in which we vote in this House, and our Muslim friends in the Congress Group know what their position is and we challenge them.....

**Mr. M. Asaf Ali (Delhi : General) :** Sir, I want to take up this challenge.....

**Mr. Muhammad Nauman :** I am not giving way.

**Mr. M. Asaf Ali :** I want to explain, Sir,.....

**Several Honourable Members :** Order, order.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I should like to know if the Honourable Member, Mr. Asaf Ali, wants to raise any point of order.

**Mr. M. Asaf Ali** : I wanted to put a question to the Honourable Member through you, Sir.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : But if the Honourable Member in possession of the House does not give way, you cannot do it.

**Mr. Muhammad Nauman** : Sir, I may say that I have tried to be as parliamentary as I can. If any Member really is offended with my telling the truth, unfortunately I cannot help it.

I was just on this point, Sir, that we were accused by my Honourable friend, Mr. Satyamurti, who spoke just before me, that we were proud of the position we held in this House, namely, that we were holding the balance of power between the Government and the Congress. We were never accused like this before when we helped the Congress Party. I may assure my Honourable friends of the Congress Group once again that we will probably hold this balance of power for all times to come in this country. The Leader of the Opposition, for whom I have the greatest respect, has told us that we can probably be proud of this position for some time, but I can assure him that, as the biggest minority in this country, we shall hold this position for all time to come and be the decisive factor in all matters where there will be difference ; and we shall always support the righteous cause.

**Several Honourable Members** : The question may now be put.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The question is.....

**Mr. M. S. Aney** : Sir, on a point of order, I submit that when a challenge has been thrown in a speech by a speaker to certain Muslim Members of this House, is it not right that those Members should be given a chance to reply before closure is accepted ?

**Dr. Sir Ziauddin Ahmad** : What was the challenge and to whom was it given ?

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on a point of order. The point in this discussion is this. It is not a question of the last word at all. The question is whether this is the proper time when the Chair should accept a closure. I am not here to say that in so far as the actual subject of discussion is concerned, it would not be right for the Chair to accept closure at a stage like this. But the point that has now arisen is this. If the last speaker had only confined himself to making any strong case for himself he liked,—good, bad or indifferent,—you would have been entitled to accept closure. But you cannot allow closure in the circumstances in which he said : “ Muslim Members of the Congress know this and I challenge them to prove the contrary ”.

**Mr. M. A. Jinnah** : What was the challenge ?

**Mr. Bhulabhai J. Desai** : I have given as much as I was able to hear.

**Mr. M. A. Jinnah :** Then, what is the point of order ?

**Mr. Bhulabhai J. Desai :** That is for the Chair to hear.

Sir, my point of order on which you have to give your ruling is this that it is quite conceivable that when there is a full discussion of a subject, it is entirely for the Chair to judge whether the discussion has been reasonable and full for the purpose of accepting a closure. But when, during the course of discussion, the last speaker deliberately throws out a challenge to another Party or a group of Members of another Party, it would be entirely invidious and improper for the Chair to shut out and allow that challenge to remain unanswered with the belief, at all events, of the kind that the challenge could not be answered. Even now, if the Chair decides against us, we certainly have the satisfaction of knowing that we have an answer which was shut out. Therefore, I ask that the Chair ought not to exercise its discretion.

Then, there is rule 58 to which I shall draw attention. It was also referred to by my friend, Mr. Asaf Ali.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member need not refer to that.

**Mr. Bhulabhai J. Desai :** Let me read it, Sir :

“ When, for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Assembly, he shall ask the question through the President.”

You in your discretion disallowed the question. That may well be, though I respectfully would have submitted then, as I respectfully submit now, that it is a proper question to be put. But out of deference to your ruling what we ask is that inasmuch as that particular question was shut out and inasmuch as the Member is willing and anxious to answer the challenge, closure should not be accepted.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Before I give my ruling.....

[At this stage, Captain Sardar Sir Sher Muhammad Khan stood up to say something.]

Order, order. When I am on my legs, no other gentleman should interrupt me.

**Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) :** Is he a gentleman, Sir ?

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I will call the attention of the House to the law on the subject which is contained in Standing Order 34, paragraph 2 :

“ At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, the Member may request the President to put the question, and unless it appears....”

**Mr. K. Ahmed :** That does not apply.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Mr. K. Ahmed should know that this is not the way to proceed in this House.

**Captain Sardar Sir Sher Muhammad Khan :** He is not a gentleman, Sir.

**Mr. Bhulabhai J. Desai :** Sir, on a point of order. The Honourable Member must withdraw that statement that any Member of this House is not a gentleman.

**The Honourable Sir Muhammad Zafrullah Khan :** But Mr. K. Ahmed said the same.

**Mr. Bhulabhai J. Desai :** I would have taken objection if I had heard it.

**The Honourable Sir Muhammad Zafrullah Khan :** I agree that such expressions should not be permitted and both Honourable Members should withdraw their expressions.

**Mr. Bhulabhai J. Desai :** Will Sir Sher Muhammad withdraw that word ?

**Captain Sardar Sir Sher Muhammad Khan :** If he withdraws, I will also do it.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member must withdraw. It does not matter whether another gentleman made the same remark previously. The Leader of the House has frankly admitted that it is unparliamentary and should not be used. The Honourable Member must withdraw.

**The Honourable Sir Muhammad Zafrullah Khan :** Did the Honourable Member to whom it was addressed take objection ?

**Mr. Bhulabhai J. Desai :** It is the dignity of the House which was offended.

**The Honourable Sir Muhammad Zafrullah Khan :** In that case, both of them should withdraw.

**Mr. S. Satyamurti :** Sir, I submit that objection to unparliamentary words cannot be taken long after the event. The objection must be taken then and there.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Both Honourable Members who used that unparliamentary expression must withdraw what they said.

**Captain Sardar Sir Sher Muhammad Khan :** He has said plainly.....

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I have given my ruling and the Honourable Member must first obey it.

**Captain Sardar Sir Sher Muhammad Khan :** Sir, he must withdraw first.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I still ask the Honourable Member to withdraw, otherwise unpleasant results will follow.

**Captain Sardar Sir Sher Muhammad Khan :** Sir, he said first that I am not a gentleman.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Will the Honourable Member withdraw ?

*(Cries of "Withdraw, withdraw.")*

**Captain Sardar Sir Sher Muhammad Khan :** I am perfectly willing to withdraw if he withdraws.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** No ; it is for the Chair to dispose of the other matter. My ruling is quite unconditional so far as you are concerned. You must withdraw.

**Captain Sardar Sir Sher Muhammad Khan :** On that assurance I will withdraw.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** You must withdraw unconditionally without any assurance.

**Captain Sardar Sir Sher Muhammad Khan :** All right, Sir. I withdraw.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The other gentleman must also withdraw.

**Mr. K. Ahmed :** This is a comedy of errors, Sir. I have not said anything : I have not opened my mouth at all. I do not understand what I am to withdraw.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I did not say that it was Mr. K. Ahmed : I said the other gentleman who used that unparliamentary expression must withdraw.

**Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) :** Sir, I heard Mr. K. Ahmed use that expression : when somebody was referring to Captain Sher Muhammad Khan, he did say : " Is he a gentleman ? ".

**Mr. K. Ahmed :** Not at this stage : it might have happened about half an hour ago when somebody was speaking : that question does not arise now.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I cannot allow the time of the House to be wasted like this. Mr. K. Ahmed must withdraw that expression immediately.

**Mr. K. Ahmed :** Will you tell me what I should withdraw ? I do not know.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The expression : " Is he a gentleman ? ".

**Mr. K. Ahmed :** I have not said anything of the kind that he is not a gentleman.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I have myself heard. Will Mr. K. Ahmed withdraw that expression ? The Honourable Member must withdraw that expression.

**Mr. K. Ahmed :** All right, Sir. I withdraw those words. But may I bring to your notice that just now as we are sitting, he says " as soon as you come out, I shall see you ". If you will allow me, Sir,

I shall have to substantiate the turbulent character of the man who has been nominated by the Government and if the Government are not responsible for the doings of a Nominated Member.....

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** What is the point of order ?

**Mr. K. Ahmed :** Please allow me, Sir. I know the rules. The man in the street gets protection under the sections of the Indian Penal Code ; but here there is a man telling me that he will assault me as soon as I go out of the Chamber....

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** If you want to raise a point of order, it must be in accordance with this Manual, not otherwise.

**Mr. K. Ahmed :** I am entitled to get protection from the Chair and the Chair must listen to the point of order I am raising.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Have you finished your point of order ?

**Mr. K. Ahmed :** Give me a chance, Sir, and I shall finish.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** If you want to raise a point of order, I warn you that it must be according to the rule, and not otherwise.

**Mr. K. Ahmed :** I am speaking according to the rules. In accordance with the rules and Standing Orders prepared by His Excellency the Viceroy on the model of the Houses of Parliament....

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Will you please sit down ? It is not a point of order.

**Mr. K. Ahmed :** If I cannot get the protection of the Chair inside the Assembly....

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Even God does not protect one who does not know how to protect himself. Coming back to the original point of order, I was inviting the attention of the House, before I give my ruling, to para. 2 of Standing Order 34 which reads :

“ At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, that Member may request the President to put the question. and, unless it appears to the President that the request is an abuse of the rules or these standing orders, or an infringement of the right of a reasonable debate, the President shall then put the question.”

There are two cases where the President should not put the question : one is : “ if there has been an abuse of the rules and Standing Orders ”. So far as that is concerned, I do not think that the motion for closure was an abuse of the rules or Standing Orders : in fact it has been conceded by the Honourable the Leader of the Opposition that it was not so, and it was on that footing that I accepted the closure. Then the second exception is : “ infringement of the right of a reasonable debate ”. On that question I feel that ; if there was a challenge made on any particular point, it is only fair to give a chance to one Member of the Group assailed to answer. Subject to this only I accept closure. If not more than one Member....

**An Honourable Member :** And how long ?

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I was going to say that : if an Honourable Member wishes to reply and reply to that point only then I shall allow him to that extent and no further. This is a matter at the discretion of the Chair. I feel that the right of a reasonable debate will otherwise be infringed. My ruling once more to be precise is : that only one Member of the Party, if he so chooses to speak, shall speak, and that only on that one point.

**The Honourable Sir Muhammad Zafrullah Khan :** Will you kindly specify the point, Sir, so that there may be no misunderstanding.

**Seth Haji Sir Abdoola Haroon :** May we know, Sir, what was the challenge thrown out by this Party ?

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** I should like the Honourable Member to specify the point as requested by the Honourable the Leader of the House.

**Mr. M. Asaf Ali :** I shall say it in a word or two, Sir. I am grateful to you, Sir, for allowing me an opportunity just to say a word or two in respect of a certain assertion made by my friend, Mr. Nauman, in the course of his speech just a few minutes ago. The assertion was more or less to the effect that the Muslim Members of the Congress Party knew what their position was in the Party, thereby insinuating all the time that we were in a most uncomfortable position. I merely wanted to give the lie direct to that assertion....

**Mr. Muhammad Nauman :** Sir, if you will allow me to say....

**Mr. M. Asaf Ali :** If you withdraw, then I shall say nothing.

**Mr. Muhammad Nauman :** I never said what Mr. Asaf Ali says I have said.

**Mr. M. Asaf Ali :** I am very glad that Mr. Nauman has withdrawn.

**The Honourable Sir James Grigg :** He said he did not say that.

**Mr. M. Asaf Ali :** The Honourable Member was perhaps not in the House then.

**The Honourable Sir James Grigg :** I said he said he did not say that.

**Mr. M. Asaf Ali :** It is a matter between me and Mr. Nauman, and not between you and me.

**Mr. Muhammad Nauman :** May I say, Sir, ....

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Is it a point of order ?

**Mr. Muhammad Nauman :** I want to make a personal explanation.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Yes, please state your point.

**Mr. Muhammad Nauman :** Sir, I only said that we Members of the Muslim League knew full well the position we hold and the responsibility we are taking for supporting the measure, and, at the same time, the Muslim Members of the Congress Party also well know their own position and what they are doing.



**Mr. M. Asaf Ali :** This is exactly what I said. Mr. Nauman had asserted,—I did not say a word beyond that, and I can assure him,—and all the Muslim Members of the House that our position, so far as the Congress Party is concerned, is one in which we exercise our responsibility with all the sense of responsibility that attaches to our position.

**Mr. M. A. Jinnah :** Sir, I should like to say....

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

(After a pause.) Oh, there was no President in the Chair at the moment.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Will the Honourable Member please speak up.

(Mr. Jinnah sat down and did not proceed with his remarks.)

**Mr. M. Asaf Ali :** Mr. President, having explained that position....

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, I should like to point out....

**Mr. President** (The Honourable Sir Abdur Rahim) : I think the Honourable Member is giving some explanation.

**Mr Bhulabhai J. Desai :** He is asked to give an explanation on the point.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the point ?

**Mr. Bhulabhai J. Desai :** You cannot go back on the ruling.

**The Honourable Sir Muhammad Zafrullah Khan :** I am not going back on the ruling at all. I am merely explaining the position. After the Deputy President had given his ruling, I said : “ May I request you, Sir, now that you have permitted one Honourable Member to address the House on a specific point, to also kindly state what the point is ”, and the Deputy President said : “ I do not know, will Mr. Asaf Ali state the point ”, and I said we also do not know what the point is.

**Mr. President** (The Honourable Sir Abdur Rahim) : Perhaps the Honourable Member will explain the point.

**Mr. M. Asaf Ali :** I have already explained the point.

**Mr. President** (The Honourable Sir Abdur Rahim) : Will you kindly repeat it ?

**Mr. M. Asaf Ali :** The whole point was this, Sir. In the course of a speech which Mr. Nauman delivered a few minutes ago, he made a certain assertion, more or less to the effect, (*Some Honourable Members :* “ Louder please ”).—I am repeating what I have already said for the benefit of the President,—Mr. Nauman made an assertion more or less to the effect that the Muslim Members of the Congress Party were in a most awkward position or something to that effect.

**Some Honourable Members of the Muslim League Party :** No, no.

**Mr. M. Asaf Ali :** Mr. Nauman got up and first of all tried to suggest that he had not used those words which he had actually used, and later on he again repeated them. So I am now trying to assure

[Mr. M. Asaf Ali.]

him that in so far as the Muslim Members of the Congress Party are concerned, theirs is a position of responsibility in the party and they exercise their responsibility with due care,—it is not merely a matter of party discipline that we have voted against this Bill, but we have voted out of deep conviction....

**Some Honourable Members of the Muslim League Party :** So have we....

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : We voted as representatives of the Muslim India.

**Mr. M. Asaf Ali :** I am as much a Muslim as my friend, Maulana Zafar Ali, and perhaps a better one.

**Mr. President** (The Honourable Sir Abdur Rahim) : Let the Honourable Member proceed.

**Mr. Abdul Qaiyum** (North-West Frontier Province : General) : We are not a pack of Knights and Khan Bahadurs.

**Mr. M. Asaf Ali :** I can assure my friends that all the Muslim Members of the Congress Party have been voting out of a deep conviction on this matter for the simple reason that, in the first place, we believe in preserving civil liberty for all and also for all the other reasons which I stated the other day in my speech. As regards the question of civil liberty, my Honourable friend, Mr. Satyamurti, was referring to telegrams from Jamait-ul-Ulema and from various other Muslim bodies. Those messages are in my possession. They are from Mussalmans whose *Fatwa* every Mussalman of India was following not very long ago. I still acknowledge them, I still acknowledge those Ulemas as Muslim religious leaders, although it is open to the Muslim League to repudiate them.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to amend the criminal law, as amended be passed.”

The Assembly divided :

AYES—63.

Abdoola Haroon, Seth Haji Sir.  
Abdul Hamid, Khan Bahadur Sir.  
Abdullah, Mr. H. M.  
Ahmad Nawaz Khan, Major Nawab Sir.  
Aikman, Mr. A.  
Anderson, Mr. J. D.  
Ayyar, Mr. N. M.  
Azhar Ali, Mr. Muhammad.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Bhutto, Mr. Nabi Baksh Illahi Baksh.  
Boyle, Mr. J. D.  
Chanda, Mr. A. K.  
Chapman-Mortimer, Mr. T.

Chatterjee, Mr. R. M.  
Clow, The Honourable Mr. A. G..  
Conran-Smith, Mr. E.  
Dalal, Dr. R. D.  
Dalpat Singh, Sardar Bahadur Captain.  
Damzen, Mr. P. R.  
Dutt, Mr. S.  
Essak Sait, Mr. H. A. Sathar H.  
Faruqui, Mr. N. A.  
Fazli-Haq Piracha, Khan Bahadur Shaikh.  
Ghulam Bhik Nairang, Syed.  
Ghulam Muhammad, Mr.  
Grigg, The Honourable Sir Jameq.

James, Mr. F. E.	Rahman, Lieut.-Col. M. A.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Rajah, Raja Sir Vasudeva.
Jinnah, Mr. M. A.	Scott, Mr. J. Ramsay.
Kamaluddin Ahmed, Shams-ul-Ulema.	Shahban, Mian Ghulam Kadir Muhammad.
Lloyd, Mr. A. H.	Shaukat Ali, Maulana.
Mackeown, Mr. J. A.	Sher Muhammad Khan, Captain Sardar Sir.
Maxwell, The Honourable Mr. R. M.	Siddique Ali Khan, Khan Bahadur Nawab.
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.	Sivaraaj, Rao Sahib N.
Metcalf, Sir Aubrey.	Smith, Lieut.-Colonel H. C.
Miller, Mr. C. C.	Sukthankar, Mr. Y. N.
Mitchell, Mr. K. G.	Sundaram, Mr. V. S.
Mukerji, The Honourable Sir Manmatha Nath.	Town, Mr. H. S.
Mukharji, Mr. Basanta Kumar.	Tylden-Pattenson, Mr. A. E.
Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.	Umar Aly Shah, Mr.
Nauman, Mr. Muhammad.	Walker, Mr. G. D.
Nur Muhammad, Khan Bahadur Shaikh.	Zafar Ali Khan, Maulana.
Ogilvie, Mr. C. M. G.	Zafrullah Khan, The Honourable Sir Muhammad.
Rafiuddin Ahmad Siddiquee, Shaikh.	Ziauddin Ahmad, Dr. Sir.

## NOES—55.

Abdul Qaiyum, Mr.	Lahiri Chaudhury, Mr. D. K.
Abdur Rasheed Chaudhury, Maulvi.	Lalehand Navalrai, Mr.
Aney, Mr. M. S.	Maitra, Pandit Lakshmi Kanta.
Asaf Ali, Mr. M.	Mangal Singh, Sardar.
Ayyangar, Mr. M. Ananthasayanam.	Misra, Pandit Shambhu Dayal.
Banerjee, Dr. P. N.	Muhammad Ahmad Kazmi, Qazi.
Chaliha, Mr. Kuladhar.	Paliwal, Pandit Sri Krishna Dutta.
Chattopadhyaya, Mr. Amerendra Nath.	Pande, Mr. Badri Dutt.
Chaudhury, Mr. Brojendra Narayan.	Parma Nand, Bhai.
Chettiar, Mr. T. S. Avinashilingam.	Raghubir Narayan Singh, Choudhri.
Chetty, Mr. Sami Vencatachelam.	Ramayan Prasad, Mr.
Chunder, Mr. N. C.	Ranga, Prof. N. G.
Das, Mr. B.	Rao, Mr. M. Thirumala.
Das, Pandit Nilakantha.	Saksena, Mr. Mohan Lal.
Datta, Mr. Akhil Chandra.	Sant Singh, Sardar.
Desai, Mr. Bhulabai J.	Santhanam, Mr. K.
Deshmukh, Dr. G. V.	Satyamurti, Mr. S.
Deshmukh, Mr. Govind V.	Sham Lal, Mr.
Gadgil, Mr. N. V.	Sheodass Daga, Seth.
Govind Das, Seth.	Singh, Mr. Gauri Shankar.
Gupta, Mr. K. S.	Singh, Mr. Ram Narayan.
Hans Raj, Raizada.	Sinha, Mr. Satya Narayan.
Hegde, Sri K. B. Jinaraja.	Som, Mr. Suryya Kumar.
Hosmani, Mr. S. K.	Sri Prakasa, Mr.
Jedhe, Mr. K. M.	Subbarayan, Shrimati K. Radha Bai.
Jogendra Singh, Sirdar.	Subedar, Mr. Manu.
Joshi, Mr. N. M.	Varma, Mr. B. B.
Kailash Behari Lal, Babu.	

The motion was adopted.

## THE MOTOR VEHICLES BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Before I call upon the Honourable Mr. Clow to move the motion which stands in his name, namely, that the Report of the Select Committee on the Motor Vehicles Bill be taken into consideration, I have to mention to the House that Honourable Members will notice that, on page 9 of the Select Committee's Report, there is a resolution passed by the Committee to the effect that the present arrangements regarding the supply to Select Committee of summaries of opinions and of memoranda relating to certain Bills are not satisfactory, and they make certain proposals. As this is a matter which has nothing to do with the Bill, what I propose to do is this. I will consider the suggestion that has been made, I will take it up with the Leaders of Parties and also with the Government and see what can be done.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Can I mention anything about this note at this stage ?

**Mr. President** (The Honourable Sir Abdur Rahim) : No. There will be no further mention of this matter. I want to consider it myself. It is not relevant to the present Bill.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : Sir, I move :

“ That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration.”

4 P.M.      Honourable Members have only to glance at the Bill to realise the care with which the Select Committee has done its work. Every clause and every sub-clause has been scrutinised and the majority of them have been altered in one way or another. I think the House has reason to be grateful to its Deputy President who presided over the long and arduous sessions of this Committee and to all the Members for their careful work. It is a matter for satisfaction that in a Bill which undoubtedly is of a somewhat controversial character the final differences of opinion on points of substance, as disclosed by the Report and the Minutes of Dissent, should have been comparatively few. I notice that there are a few amendments, perhaps about 900, which have been tabled but I hope that when we come to examine the Bill in detail we shall find, that the points of importance on which we differ are not very numerous. The bulk of the changes have been explained in the Report of the Select Committee with the reasons for them, and in some cases the reasons against them, and I do not, therefore, propose to discuss the provisions in detail at this stage. But as there has been in some quarters a good deal of misapprehension about the Bill, I should just like to refer to its main features in the form which it now takes.

A number of criticisms which I have seen are based, I think, to a considerable extent, on a failure to realise what is the existing position. There seems to be an impression in some quarters that because the Act of 1914, which this Bill is designed to replace, is a rather short one and because this Bill is an unusually long one, we are imposing on the motor transport industry some kind of novel and strange code. That, of course, is not the position at all. The Bill is headed : “ A Bill

to consolidate and amend the law relating to motor vehicles" and I venture to suggest that of these two features, consolidation is the more important. There are, of course, a very large number of changes in the law but the main structure and principles of the Bill are to a very large extent reproduced in the law at present in force in varying parts of India. The fact, as those Honourable Members who have made a study of the subject are aware, is that there are in the provinces a series of elaborate codes of rules which are framed either under the Act of 1914 or under provincial legislation supplementing that law; and those codes form a corpus of law, which together with the Acts from which they are derived, is far more complicated than the Bill before the House. There are few points of real importance on which one cannot find parallels in some parts of India and I should like to illustrate that by running very briefly over the main heads of the Bill.

Chapter II provides for the licensing of drivers. This is at present a statutory requirement and the law in force is supplemented in every province by rules framed by the Provincial Governments. But there is no common system for the classification of vehicles and the conditions laid down for securing a licence tend to vary. What we are trying to do is to provide a uniform form for the license, to lay down uniform conditions on which it can be obtained and to provide that the license, when secured, shall be valid throughout British India and, subject to reciprocal arrangements, may even be valid beyond it.

Chapter III deals with the registration of vehicles and here the position is very similar. We are consolidating and trying to bring to some measure of uniformity provisions which vary from province to province but are absent in none. Some provinces, for example, link taxation with registration and regulate the period of validity of registration accordingly. Then there is some uncertainty regarding the necessity for re-registration. What we are seeking to provide is a uniform scheme of registration and a registration that will be permanent and will not require to be done again even if the ownership of a vehicle is transferred, although we have provided for re-registration in the case where a vehicle, so to speak, changes its domicile.

Chapter IV which deals with the control of transport vehicles and is regarded by the less well-informed critics of the Bill as a strange new code also has its parallels in the provinces. Here there is naturally a good deal more variation because the powers given to Provincial Governments under the Act of 1914 are limited; and it is only in provinces where it has been supplemented by provincial legislation such as Madras and the United Provinces that you can have anything like a complete code. Actually, the system proposed in the Bill does not differ very greatly from that which is now in force, for example, in Madras; and even in the other provinces where there is no provincial legislation there is a considerable body of rules which provides for a less adequate form of control.

Chapter V is virtually a single section providing rule-making powers and the matters to which it relates are already covered by provincial rules to a large extent.

Chapter VI which deals with the control of transport contains very little that can be claimed to be original. Most of it can be found in one form or another in the Provincial Codes.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Will you please also explain whether the Provincial Governments can legislate in this matter ? Does it not come under List No. III ? There is no reason why we should make all these rules here and give them the power by legislation.

**The Honourable Mr. A. G. Clow** : We are providing substantial powers to Provincial Governments to make rules. It is necessary in some cases for Provincial Governments to make rules. We cannot deal with every detail here. Chapter VII consists of a single section relating to motor vehicles coming from or going abroad.

Chapter VIII which relates to third party insurance is undoubtedly the most original part of the Bill ; but here again there are parallels in the provinces. Third party insurance, I believe, is statutorily enforced at the moment in the city and island of Bombay, in Karachi and, I think, in some other parts. Moreover, apart from the action taken by Governments is the influence that is being exercised by hire-purchase firms which in many, if not in all, cases insist on insurance in their own interests. The value of that influence will be realised when I tell the House that figures for Madras recently supplied to me indicate that, of the buses and lorries put on the roads in the last three years two-thirds have been sold on hire-purchase conditions.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Is not that an insurance of the vehicle only ? So far as I am aware, the hire-purchase sellers insist merely on the insurance of the vehicle and not against accident to the passenger or third party ?

**The Honourable Mr. A. G. Clow** : I think in a good many cases it is compulsory for the vehicle but I understand that in a good many cases they do take out policies covering a wider field. However, that does not really affect the point that I was trying to make, namely, that this is not something entirely novel to India. It is something that has been recognised as of value. The remaining two chapters are of an ancillary character and the Schedules contain very little that is not either consequential on the rest of the Bill or represented by existing provisions in the provinces. I have dealt at some length with this matter partly in the hope of clearing up misconceptions which exist, probably more outside the House than in it, and partly also to bring home the point that we are not experimenting here with something novel and strange. If I may adopt a metaphor, we are not exploring some uncharted country but are trying to provide a long metalled and bridged road where at present there is undoubtedly a route, good in parts and indifferent in others, and where in some places, as I know, it is not very easy to find one's way.

Now, the second big misapprehension which underlies some of the criticisms of the Bill is that it is a Bill which is aimed at stifling the motor transport in the interests of the Railways. I apologize for using that phrase but it is actually a phrase, I can assure the House, which has been used in a number of resolutions sent to me. I hope that the important changes made by the Select Committee will do a good deal to dissipate that impression. But it never was the truth, and it is not going to be at all easy to allay the fears of men, often ignorant men, which have been sedulously fanned by some people who ought to know better. Sir, the changes made by the Select Committee reduce the pro-

visions which have any reference to competition with the Railways to one phrase in one clause out of one hundred and thirty-six, and that section is one which depends for its operation on the Local Governments. I regret to see from the minutes of dissent that there is at least one Group in this House, the European Group, which does not appear to be prepared to accept this provision. I do not want to anticipate an argument which, I am afraid, is likely to arise at a later stage of the Bill. I will only say that, personally, I regard the provision as entirely sound in principle and think that the changes which have been made by the Select Committee remove all reasonable objections to the manner in which it was expressed.

The fact is that this Bill is designed to secure the safety and the convenience of the public, and, in a good number of cases, its provisions should benefit the motor industry itself. There are three main lines along which that is attempted. We are attempting, in the first place, directly to attack the problem of safety. A very large number of the provisions in the Bill are aimed directly at securing the safety of the public. We are trying, for example, to provide that drivers shall be both competent and careful, that the vehicles themselves shall be satisfactory, and that the manner of loading, whether with goods or passengers, shall not constitute a danger. In the second place, we are trying to protect the roads and to ensure that they shall be provided with adequate directions and adequate control. And in the third place, we are making some attempt to restrain the cut-throat competition which has prevailed and which still prevails in some parts of India, within the motor industry itself. The competition in many places has been carried on to such an extent that there have been numerous bankruptcies and there have been many other owners who have found it difficult or impossible to carry on efficiently.

Now in an ordinary industry that would hardly constitute a reason for interference or control. But in this particular industry you cannot cut costs below a certain level with grave danger to the public. The competition which has prevailed in this industry has too often been a competition in danger. It has been a competition in disablement and in death. This House and the public are rightly distressed by the accidents on the railways such as the one at Bihta and the lamentable accident early this week, and they rightly insist that we shall take all the steps we can to secure the safety of the public on the railways. But the numerous accidents which happen, day by day, on the roads tend to go almost unnoticed except by those who are bereaved or by those who are disabled by them, and there are those who are anxious to obstruct a Bill which is calculated to provide greater safety on the roads. I am afraid I cannot regard this argument as entirely sincere. I am a little reminded of the history of factory legislation in this country. When, sixty years ago, it was proposed to compel millowners to fence their machinery and to exclude infants from their mills, there were those who suggested that that legislation was undesirable because it would benefit Lancashire. Today there are those who suggest that this Bill is undesirable because our own railways might get some benefit from it. I must in justice to the leaders of the motor industry make it clear that they have not taken this plea and that many of them have given us full and generous co-operation. And I am fairly confident that that strange argument will make no big appeal to any important section of this House.

[Mr. A. G. Clow.]

I would like to allude, in conclusion, to what I described earlier as the most original feature of the Bill, that relating to third-party insurance. Actually, the main principle appears to have been accepted by all members of the Select Committee. Such differences as we have, apart from a difference regarding the agencies who should be entitled to provide insurance, are differences regarding the time and the manner in which this salutary reform should be introduced. I must say frankly that I think the amendment introduced in clause 1 by the majority of the Select Committee is calculated or rather is likely to have the effect of postponing in some areas at least the reform almost indefinitely. I know there are those who have doubts about compulsory insurance on the ground that it would involve adding to the burdens on the motor transport industry. I would commend to the study of the House a very valuable report by Professor Gadgil and Mr. Gogate on "Motor Bus Transportation". Although this report deals primarily only with a small part of India, many of its conclusions are of very general validity. They point out that this argument about the burden on the motor car industry is "fundamentally fallacious" because the charges are not a form of taxation but represent one of the legitimate costs in the industry. And they affirm that the effect of compulsory insurance would be to benefit not only the travelling public but, in the long run, the motor transport industry itself. I think it will be generally conceded that in a very large number of cases the compensation given at present is either inadequate or non-existent, and the moment you put to yourself the question, "who should pay, the person who is legally liable to pay or the person who is injured?", you expose the fallacy underlying this plea to spare the pocket of the poor motor-bus owner. I feel that the provision in the original Bill which made a five years' delay possible went as far as, if not further than, the industry could reasonably claim.

Sir, this measure is designed to secure the healthy development of a form of transport which has already done much to transform life in our towns and villages and which, properly regulated, can be of immense benefit to the community. It is a measure designed to protect the community from dangers which, unfortunately, have also been brought home to our towns and villages, and I commend it to the sympathetic consideration of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration."

**Dr. Sir Ziauddin Ahmad** : On a point of order, Sir,—there is a motion for circulation. Should it be formally moved now?

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable Member (Mr. Umar Aly Shah) want to move that motion?

**Mr. Umar Aly Shah** (North Madras : Muhammadan) : Yes, Sir. I move :

"That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon."



**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill, as reported by the Select Committee, be re-circulated for the purpose of obtaining further opinion thereon.”

The discussion will now be on the motion that has just been moved by the Honourable Member, Mr. Umar Aly Shah, and the main motion moved by the Honourable Mr. Clow.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I rise to support the motion of the Honourable Mr. Clow that this Bill as it has emerged from the Select Committee be taken into consideration and to oppose the motion for circulation. As the Honourable Member for Communications has stated, the Bill has been scrutinised in almost every phrase by the Select Committee and it is very doubtful, in my view, if many changes can be made without practically scrapping the Bill. Therefore, there is no reason for sending it back to circulation or to the Select Committee. I have risen so early in this debate for a special reason. It will be apparent from the minutes of dissent that myself and other Members of the Congress Party, who served on the Select Committee, have taken less objection to the Bill as it has emerged from the Select Committee than even the Members representing the Government. That is to say, we are generally satisfied with the changes that have been made in the Select Committee and I wish to explain why we have come to this conclusion. I may also explain that I am not standing here now as the spokesman of the Party. It is the business of the Leaders of the Party to explain what the Party's position may be about the important clauses of the Bill. All that I want to do now is to explain to the House on what grounds we have advocated the changes made and come to the conclusion that the Bill, on the whole, is deserving of support of the House.

Sir, I do not wish to take the clauses of the Bill in detail as it is wholly unnecessary to do so. I will take some of the main features of the Bill. To begin with, I want to explain what my general mental attitude was in relation to this Bill. I took my stand, as I do take my stand today, on four cardinal principles. First of all, I am aware that motor transport offers new facilities to our people. Large parts of the country are still unopened by the railways or any other traffic, and even where there are railways, motor transport offers to the poor villager and to the poor businessman many facilities which they could not otherwise get. Therefore, I am personally in favour of a steady and continual development of this transport and I was determined that no undue hardship should be placed on its development. On the other side, I was also conscious that, while this motor transport offers great and new facilities to our people, it forms also a heavy drain on this country. We do not manufacture a single part of this motor transport. Every screw and every plate is manufactured outside and we have to import it. We have also to import the fuel and other materials of use. According to my rough calculation, the motor transport forms a drain of the order of 30 crores a year. When people compare the motor transport with the railways, they should also take into account the fact that, while the Indian railways import about 10 crores worth of foreign material every year, we have to import about 20 to 30 crores worth of foreign material in order to maintain this transport industry. So, it

[Mr. K. Santhanam.]

would not do to spend too much sympathy on the one and too little on the other. The third consideration which I had in my mind was the condition of our roads. Even the so-called metalled roads are very poor indeed. They cannot bear very heavy traffic and the resources of the Provincial Governments to maintain them are very limited.

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : What about the contributions which the Provincial Governments get from the Central Government for making roads and which amount they are not spending ?

**Mr. K. Santhanam** : If my Honourable friend can take up the Census book and find out the area of the country and the population and the amount which they get from the Central Government, he can realise that the contribution which they get from the Central Government is like a drop in the ocean. Unless the Central Government can give crores and crores of rupees, our roads cannot be fit to bear heavy traffic, and it is no use putting too many vehicles on these roads which cannot bear heavy traffic. The fourth principle which I had in my mind was that, with all their defects, the railways are still the property of the people of India.

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muham-madan Rural) : Do you believe in that ?

**Mr. K. Santhanam** : Yes, in the same way as this country is the property of the people of India, the railways are also the property of India, though they may be exploited by the outside people for the time being.

**An Honourable Member** : They are heavily mortgaged.

**Mr. K. Santhanam** : It is true, but the property is ours. I do agree that the railways are heavily mortgaged, but, then, there is no way of getting rid of that mortgage. If there is any deficit, it is the tax-payers who have to pay. The foreigners are not going to pay ; they are not going to cut down their salaries. We shall be taxed either through customs or through income-tax and, therefore, any deficit in the Railway Budget would mean an additional taxation which every Member of this House, especially the non-official Members, will have to pay. I have also taken that matter into consideration. Sir, it is only from these four cardinal principles that I have looked at this Bill. Therefore, from the point of view of all these four principles, I wanted to see how the Bill can be altered and it is needless to say that we tried our best to do so. On the whole, all the members of the Select Committee, as it has been admitted, came to look at it from more or less the same standpoint and the result is the report.

Sir, I shall not deal in detail with the safety provisions. As has been already explained, they are largely a codification of the existing rules in the provinces with a view to some minimum degree of uniformity. We have, however, made some changes which, I hope, will be unanimously welcomed by the House. For instance, in the new clauses 9 and 28 which relate to reciprocity, it is provided that when British India recognises the licences and the registration certificates

in the Indian States and the French and the Portuguese Settlements, those States also should recognise the licences and the registration certificates issued in British India. This was a unanimous demand from almost every opinion which we received and we have incorporated it. Then, again, in the old Bill clauses 15 and 16 gave power of almost arbitrary disqualification to the Provincial Governments and to the regional transport authorities. The Provincial Governments were empowered to disqualify any driver for no reasons to be stated. Similarly, the regional transport authority was empowered to disqualify any driver of a public service vehicle without stating any reasons. If you look at the new clauses 15 and 16, you will find that we have made drastic changes in those two clauses. We have taken away the power of the Provincial Governments to disqualify. In its place the licensing authority is empowered to disqualify for the reasons specified in sub-clauses (a), (b) and (c) of clause 15 and if he is disqualified, we have provided a power of appeal. It was suggested that the power of disqualification should be with the Provincial Governments and an appeal might be preferred against the order of Provincial Governments. That point of view was considered, but we found that against the orders of Provincial Governments appeals should be preferred to High Courts and in the matter of such a minor thing as licensing, it is not fair to go to the High Courts and so this clause 15 was adopted. Again, Sir, we have provided appeals in almost all cases in which licenses are refused or registration certificates are cancelled.

I now come to the most important part of this Bill, namely, Chapter IV, dealing with control of transport vehicles. I shall deal with it in two aspects, namely, method of control and the machinery of control. In this connection it is necessary to have in view the scheme in the old Bill and the scheme in the Bill as it has emerged from the Select Committee. In the old Bill the regional transport authorities were given power to limit and control the issue of permits of all classes for four-fold reasons : on grounds of public convenience, on grounds of suitability of roads, on grounds of their effect on the railways and on grounds of their effect on motor transport itself. In the Bill as it has emerged from the Select Committee, Honourable Members will find that so far as railways are concerned, it has been laid down that the regional and provincial transport authorities will have nothing to do with this matter for the very simple reason that no complaints against railways can be laid before these authorities. If, for instance, a merchant goes and says : " the railways are charging very heavy freights, we cannot convey our perishables to certain parts unless we get permit for a public or private carrier ", then the transport authorities, under the old Bill, would not have been able to summon the railways and ask them why they are having such heavy freights. It was to be an one-sided transaction. The transport authorities were to take into account the difficulties of railways and they were not empowered to take into account the difficulties of the users. Therefore, the Select Committee decided that this was not a fair proposition and, so far as the road transport authorities are concerned, they must take charge of road interests alone. Further you will find that the provisions of the Bill take away the power of the road transport authorities to interfere too much in the interest of motor transport itself. After all the motor interests know very well

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where their bread is buttered and all stipulations have been reduced to one of two things, either they are in the interests of public convenience or in the interest of the preservation of roads. Generally the road transport authorities are to issue permits having in view only these two main considerations, *viz.*, that the roads should be able to bear the traffic and that the traffic should be in the interests of the public. I hope this attitude will commend itself to the House.

What then have we done about road-rail co-ordination. As I have said, this was certainly one of the main purposes of the Bill. It is no use disguising this fact and I am personally of the strongest view that it is no use neglecting this point. Some reasonable reconciliation has to be made. Instead of giving power to the road transport authorities who will have no pull with the railways, we must give it to an authority which will be able to deal fairly with both kinds of transport and to decide matters solely in the public interest. The Central Government as the manager of the Indian railways should not be entrusted with this task and could not be expected to discharge the duties impartially. On the other hand the road transport authorities will be many and they will not have the authority, they will not have the power to deal with the Railways. Therefore, clause 42 has been inserted and, I suggest, that this is the crux of the change made in the Select Committee. What this clause does is this : that the Provincial Government which is a responsible Government shall be able to give consideration to any representations from railways and any representations from motor interests and, if it is convinced that in the interests of the people, it is necessary, it may limit or prohibit long distance traffic of goods and fix maximum and minimum fares and freights for stage carriages or public carriers. You will find that even the power of Provincial Governments is limited to doing these two things. It may be said that the Central Government will be able to influence the Provincial Government and deal harshly with motor transport as against railways. Now, Sir, what is the position ? All motor taxation belongs to provinces and the provinces derive substantial amount from the road fund and so their financial and pecuniary interests are in the development of motor transport and their interest in the railways is rather feeble. They have no direct connection with the railways. It is true that the Niemeyer Award gives the provinces a certain share of the revenue surplus for the next five years, out of which the first year is gone and only four years are left. They will get some amount, but this amount has been fixed by Statute and it cannot be altered in any fashion. Therefore, I submit the interest of the Provincial Governments in railways is not direct, but I may admit that they have got much indirect interest in the prosperity of railways. For instance, the good of the peasants and the marketing of the agricultural produce depend to a great extent on the solvency of the railways. Therefore, it is my conviction that, as things are, the Provincial Governments are the most impartial bodies to whom we could entrust this task of road-rail co-ordination and this has been done in the Bill. Once this point is agreed to, I think the whole of Chapter IV will become more or less non-contentious. If you reject this clause 42, then practically the whole purpose of the Bill goes to pieces. If you accept it, all other changes are more or less consequential. I need not explain this matter any further.

I shall now go to the provisions about the machinery. In the original Bill the regional transport authorities were made mandatory while the constitution of the provincial authorities was left to the discretion of Provincial Governments. The order has now been reversed. It has now been made mandatory to constitute provincial transport authorities and, though ordinarily in the major provinces, the constitution of regional transport authorities has been made mandatory, in some of the smaller provinces the constitution is not mandatory and the functions of those authorities may be performed by the provincial transport authorities. This was also a reform which was admitted to be sound by almost every opinion which we received. I expect it will meet with more or less unanimous support in this House. Originally, the Bill suggested two methods of constituting regional and provincial transport authorities. It said that it may consist either purely of officials or of officials and non-officials including representatives from motor interests, provided railways were equally represented. As the Bill has emerged from the Select Committee both these suggestions have been dropped and a third suggestion has been incorporated that the transport authority should consist of officials and non-officials but not one of them should have any financial interest in any kind of transport. That is to say, it must be an impartial body. It should include non-officials also because it is an infant industry and the narrowness of bureaucratic outlook should not be allowed to hamper its growth. Of course officials prefer the routine of officials and non-officials would like a purely non-official body because they have got distrust of officials, but as a lot of work has to be done, there should be officials in it and as public opinion has to be ventilated, there must be non-officials in it and, therefore, I suggest that the solution suggested by the Select Committee is the best possible for the purpose.

Sir, one of the important matters which we have to consider in this chapter and which I suppose will come in for a lot of discussion is the question of private and public carriers. It has been suggested that no sort of limitation should be laid on private carriers while public carriers should be limited. As matters stand it will be much easier to get a permit for private carriers than for public carriers ; but I am strongly of the view that to encourage private carriers at the expense of public carriers is to put the rich man who has a great advantage already in a position of greater advantage over the smaller business man. In fact it is more or less an invitation to every small business man to sell himself and bind himself hand and foot to the rich business man. The public carrier is at the disposal of the small business man as well as the big business man while the private carrier will be solely at the disposal of the big business man. And, therefore, it is in the interest of justice and of certain degree of equity for all business men that public carriers should not be saddled with inequitable conditions which are not applicable to private carriers, or in the reverse, that private carriers should be allowed to have freedom in spheres in which public carriers do not have freedom. Of course an analogy is put forth and it is said, " You are allowing greater freedom for the private car ; why do you not allow the same freedom for the private carrier " ? There is this vital distinction between the private car and the private carrier that the private car is not maintained for profit ; it is a source of expense ; it is a luxury. It is more or less a penalty on the man who keeps it, while private carriers are maintained for profit, and

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they must get that profit from somebody else. There is this vital distinction, and if I had my own way I would not have accepted any distinction between private carriers and public carriers at all. Conveyance of goods should be one category, but, on the whole, in view of the general opinion that the private carriers' permit should be obtained much more easily than those of public carriers, we allowed some distinction but a somewhat equitable balance has been preserved between public and private carriers.

There is one more matter in Chapter IV which will come up for discussion and that is the hours of work of drivers in clause 64. If Honourable Members will compare the new clause with the old one they will find two essential changes. First, there is simplification. In the old clause there was some calculation as to two hours after midnight and afterwards on which it would be very difficult to draw up a time-table for a bus or lorry. Now it has been simplified. There are only two limitations; a driver should not drive more than  $5\frac{1}{2}$  hours without an interval and there should be eleven hours' rest after eleven hours' work. We have also introduced the salutary limitation which I hope will be acceptable to the House, that in a week a driver should not work for more than 54 hours. Of course, many people have argued that the motor industry being new there should be no limitation whatsoever, that drivers should be allowed to drive as many hours as they can or as they are forced to. It is not a matter purely for the employer and the driver; it is a matter for the public also, because if the driver is overworked we have to pay the penalty and our children have to pay the penalty. Therefore, in the interests of public safety this regulation about 54 hours is absolutely essential and should be supported.

Now, Sir, let me pass on to Chapter VIII which, as Honourable Members know, is one of the contentious chapters. The Honourable Mr. Clow said that the argument of the burden on the motor industry is not a serious argument, and that in the end this third party insurance will prove to be for the good of the motor industry itself. I think it is only a half truth. By whatever name you may call it the enforcement of this provision does impose an immediate burden on the motor industry, and, if the industry cannot survive it it is no good saying that it will benefit it ultimately. We have made some calculations. My own calculation was a little higher but I am prepared to take the calculation of my Honourable friend, Mr. Mitchell, who has calculated that for a 20-seater bus it will cost about Rs. 210 and for a lorry about Rs. 100. I pointed out a mistake in his calculation and, I think, he has accepted it and probably the true figures are about Rs. 250 for the bus and Rs. 100 for the lorry. The Honourable Member appears to differ. However, these figures are not very material. Even Rs. 200 a year on a bus in the present conditions is, I must say, a substantial addition to the existing burden. On the other hand I do admit that the safety of the public must come first, and simply because we have to put a burden we should not shrink from it. Therefore, my own view is that this matter can best be decided by those who derive their mandate from those who are directly affected by this chapter. After all, the Provincial Governments are responsible Governments and if there is a bus accident in which a poor man is injured and has not got compensation there will be such an outcry that the Provincial Government

will be forced to take action. In this Bill I think it is quite sufficient to say that whenever any Provincial Government wants to do so it can bring this Chapter VIII into operation. We have given them a ready-made scheme and we have also provided machinery by which even the Opposition in a Provincial Legislature can force the Government to bring it into operation, because clause 1 (3) states :

“.... after the passing in the Legislative Assembly of a Governor's Province of a Resolution recommending the application of that Chapter to the Province, by notification in the official Gazette so directs :”

This provides two valuable checks. It is open to the Opposition in any Provincial Legislative Assembly to raise the matter and ask why it is not being brought into operation. On the other hand, a bureaucratic provincial ministry, relying on party discipline, cannot straightaway introduce it without considering the wishes of the people. In both ways I suggest that clause 1 (3) as it has emerged from the Select Committee is much better than the old clause saying that for five years you may sleep and on the fifth year the whole thing must descend on you like a bolt from the blue. I suggest that that is not the proper way. Either you must take a bold step and say that from tomorrow, as soon as this Bill is passed, every man who walks along the road shall be safe, or you must tell all users of the road to bring pressure on the Provincial Government and have it introduced. But who knows where these Legislative Assemblies will be and what will happen after five years ? Why should we say that it should come into operation after five years ? To put a time-limit in the future is I think neither necessary nor desirable. We have given a better method, we want to encourage public opinion to grow in this matter. It will be open to motor owners to educate the public as to their difficulties. On the other hand every public association, every representative of the agriculturists, every representative of labourers will be able to educate public opinion as to the evils of these motor vehicles without third party insurance, and by this development of public opinion reform will come about naturally. It is enough for us to provide the machinery by which the reform can take effect when public opinion is ripe. My own expectation is that it will come much sooner than the Honourable Mr. Clow anticipates. He said that in some areas at least this reform may be postponed to the Greek Kalends. We have made a provision to obviate this difficulty : it has been provided that when in the majority of the Governors provinces the chapter has been brought into effect, the Central Government may, by notification in the official Gazette, bring it into effect throughout British India. If public opinion has asserted itself in half of the provinces then it will come into force in all India and the benighted regions will be forced to adopt this chapter as soon as the intelligent provinces have adopted it.

Let me now come to one or two important changes which have been made in the substance of Chapter VIII. I shall refer only to the changes made in section 96. It is a very long section and I do not want to read any extracts from it. I shall invite the Honourable Members to compare closely the old section and the new section. They will find that in the old section there were no less than 12 conditions on the breach of any of which the insurer was empowered to avoid his liability to third parties

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and passengers. In fact if the old clause had been allowed to stand as it was, then practically in almost every case the insurer could come and say there has been breach of one condition or the other and he was not liable to pay the compensation. Such conditions as these were included, that the insurer can say : " You and your wife alone may drive : if a driver drives and there is an accident, the third party will not have any protection." Or he may say : " You will not take a particular kind of goods : if you do that, then the third party will have no compensation." In such circumstances it would have been easy for the motor owners and insurers to collude and practically defeat the purposes of this chapter. All such objectionable conditions have been deleted and now only four conditions which will be considered reasonable have been allowed to stand.

Sir, there is one more important point in connection with this report which I have to mention and that is about clause 135. At the end of each chapter you will find that the rule-making power has been given to the provinces and rightly, because it is the Provincial Governments which will have to work them : the Central Government is too distant and it will delay matters too much to leave the rule-making powers to the Central Government. In clause 135 (3) it has been provided that :

" All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid."

In their note of dissent the two Government Members say :

" We are opposed to this clause and think it inappropriate that the Central Legislature should seek to regulate the relations between Provincial Governments and their Legislatures."

Sir, I am afraid they have not read the Government of India Act properly. If you take section 124 (2) this is what it says :

" An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof."

Even in matters concerning List I, the Federal Legislative List, this Legislature can confer powers and lay duties on a whole province or its officers and its authorities. I submit that this Legislature has full authority in this matter, and I do not see that there can be any constitutional objection whatsoever. Also from the point of view of policy I want to know what objection there can be. We are a Legislature where at least the majority of us are direct representatives of the people and we entrust the Provincial Government with rule-making powers ; but we say to them : " There are your legislatures : you will place these rules before them and get their consent." Are we not representatives of the people ? Can't we suggest that the representatives in the provinces should scrutinise these rules on our behalf and see that no bad rule is made ? We are not hampering administrative action. It has been provided that the rules will come into force as soon as they are notified, but as soon as possible they have to be laid before the Legislatures and the Legislatures shall be empowered to make such modification as they think fit. It has



been suggested that this being a concurrent subject the Provincial Legislatures can independently make their own laws in this matter not inconsistent with the provisions of this Bill and so why should we ask them ? We empower a Provincial Government to make rules but, unless we give power to the Provincial Legislatures to consider them, they will not be seized of them and the provincial ministries will be entitled to say : " We are making it under a Central Act and it has not asked us to place it before you and we are constitutionally debarred from doing it." Then, it is said that if the members in the Provincial Legislature are not satisfied with these rules they can bring in a vote of censure. I think this argument has only to be stated to be refuted. When once a Provincial Government has made the thing its own, it becomes the duty of the party, on the basis of which the Provincial Government has come into power, to support them—right or wrong. That is the basis of all party government and, therefore, nobody, for the sake of a motor rule, will turn out a ministry. Even the opposition will not think it a proper issue to fight the Government and table a no-confidence motion. Therefore, the only way in which the majority party as well as the minorities in a Provincial Legislature can scrutinise these rules is by asking statutorily the provincial ministries to place them before the Legislatures and have them scrutinised. It is only then they can do it in an atmosphere which is not charged with emotion about the fate of a ministry and such like considerations. They will be able to discuss them on their merits and, if necessary, make changes here and there. Therefore, I suggest, this is a salutary provision and it ought to be passed as it has emerged from the Select Committee.

I have tried to show that generally the provisions are satisfactory, that the Select Committee's report deserves the support of this House. As I have already said I am not speaking for the Party and the Party will decide on each amendment on its own merits and, if necessary, our Leaders will place the Party's views in the House. I have merely tried to explain why we have not been forced to add more points in our minutes of dissent and how the Bill has emerged to our satisfaction.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 25th August, 1938.

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## LEGISLATIVE ASSEMBLY.

*Thursday, 25th August, 1938.*

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The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

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### STARRED QUESTIONS AND ANSWERS.

#### (a) ORAL ANSWERS.

##### FALL IN THE CUSTOMS REVENUE.

464. **\*Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Finance Member state :

(a) whether there has been a considerable fall in the customs revenue from the beginning of this financial year ; and

(b) the reasons for this fall ?

**The Honourable Sir James Grigg** : (a) and (b). I invite the attention of the Honourable Member to my reply to starred question No. 109, asked by Sardar Mangal Singh on the 10th August, 1938.

**Mr. T. S. Avinashilingam Chettiar** : May I know the latest figures in this matter, Sir ?

**The Honourable Sir James Grigg** : There are no figures later than the last published ones.

**Mr. S. Satyamurti** : May I know whether Government are analysing these figures and finding out whether the fall is due to the growth of industries in this country, or it is due to want of demand in this country for imported articles ?

**The Honourable Sir James Grigg** : I should say for a variety of reasons, but the main reason is that whenever there is a fall in the value of Indian exports, the value of Indian imports falls after a certain lag.

**Mr. S. Satyamurti** : May I know, Sir, whether, apart from the reaction of imports and exports to which my friend referred, this fall is particularly noticeable in the customs tariffs which are imposed for revenue purposes as in the schedule, or in those for protective purposes ?

**The Honourable Sir James Grigg** : I cannot answer that off hand.

**Mr. T. S. Avinashilingam Chettiar** : May I know if Government have gone into the reasons for the fall besides the one he has mentioned ?

**The Honourable Sir James Grigg** : I have replied to that in the answer I referred to.

**Mr. T. S. Avinashilingam Chettiar** : If I remember aright, I do not think any reasons were given on that day ?

**The Honourable Sir James Grigg** : The reasons were given, at any rate one compelling reason.

**Mr. S. Satyamurti** : In the interest of the future policy of this country, will Government examine the future course of this fall and its incidence in respect of two types of customs duties you are levying, one for revenue and one for tariff purposes ?

**The Honourable Sir James Grigg** : If the Honourable Member means the effect on revenue of the tariff policy which has been pursued for the last 15 years. That, I think, is a question to which the attention of the Economic Adviser might very well be directed.

**Mr. T. S. Avinashilingam Chettiar** : Has his attention been drawn to this matter ?

**The Honourable Sir James Grigg** : Yes, Sir.

**Mr. S. Satyamurti** : Does the Honourable Member propose to invite the attention of the Economic Adviser also to the effect of the exchange ratio on the imports and exports ?

**The Honourable Sir James Grigg** : I think the Economic Adviser will take into account all relevant factors.

**Mr. S. Satyamurti** : Is this a relevant factor ?

**The Honourable Sir James Grigg** : It is a matter of opinion.

**Mr. S. Satyamurti** : What is the Honourable Member's opinion ?

**The Honourable Sir James Grigg** : I do not feel called upon to give it.

**Mr. T. S. Avinashilingam Chettiar** : Will Government place a copy of the Report of the Economic Adviser on the table of the House ?

**The Honourable Sir James Grigg** : I have no doubt that will be considered.

**Pandit Lakshmi Kanta Maitra** : Have Government considered whether the fall is due to a certain amount of trade being diverted to the maritime States of India ?

**The Honourable Sir James Grigg** : Not to any important extent. There has no doubt been a certain amount of inroads into British Indian revenues owing to the diversion of trade to maritime States.

#### INDIA'S BALANCE OF TRADE AND EXCHANGE RATIO.

465. **\*Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Finance Member state :

- (a) whether the balance of trade has been going against India in the last few months ;

- (b) whether Government have taken any action to prevent the balance of trade going against India ;
- (c) if so, what are those actions ;
- (d) whether they have received representations from anybody suggesting change of the exchange of ratio as a possible remedy ; and
- (e) whether Government have considered the suggestion and come to a decision, and on what grounds ?

**The Honourable Sir James Grigg :** (a) No ; the balance of the visible trade of India (even apart from Burma) has been in favour of India.

(b), (c), (d) and (e). Do not arise.

**Mr. T. S. Avinashilingam Chettiar :** May I know if Government are stating it in a comparative sense or in an absolute sense ?

**The Honourable Sir James Grigg :** The Honourable Member asked me whether the balance of trade was going against India during the last few months, and I said no.

**Mr. T. S. Avinashilingam Chettiar :** May I know, Sir, whether Government have taken into consideration in giving their answer the Home charges of a few crores of rupees every year which we have to remit ?

**The Honourable Sir James Grigg :** I am sure, the Honourable Member regards it as necessary that India should pay her debts.

**Pandit Lakshmi Kanta Maitra :** Is the balance of trade going in favour of India ?

**The Honourable Sir James Grigg :** Yes, Sir ; as far as I have got the preliminary figures for July 1938, the balance of merchandise in favour of India is 3 crores 68 lakhs, which was better than the corresponding month of last year, and the balance of visible trade is 6 crores 60 lakhs.

**Mr. T. S. Avinashilingam Chettiar :** Has the Honourable Member given the figures for the four months ending July or only for the month of July ?

**The Honourable Sir James Grigg :** Yes, for the four months there is a favourable visible balance of trade, and even for the first three months there is a favourable balance.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether the balance of trade is sufficient to pay the debts ?

**Mr. S. Satyamurti :** The balance of trade was very much more in our favour some years ago.

**The Honourable Sir James Grigg :** When ?

**Mr. S. Satyamurti :** Not very long ago.

**The Honourable Sir James Grigg :** It was last year too.

**Mr. S. Satyamurti :** I say that not very long ago, five or six years ago, the balance of trade was in our favour, it was much greater. Will the Honourable Member examine the possibility of reviving that balance and also see why that balance of trade in our favour is much less than it used to be not very long ago ?

**The Honourable Sir James Grigg :** I can give a very shrewd guess for that. The first and the compelling reason is, of course, the growth of autarchy in the world at large.

**Mr. T. S. Avinashilingam Chettiar :** What steps are Government taking to improve the balance of trade ?

**The Honourable Sir James Grigg :** I have already answered that.

**Mr. T. S. Avinashilingam Chettiar :** What other steps have they taken ?

**The Honourable Sir James Grigg :** That is too big a question.

#### APPOINTMENT OF INDIAN CIVIL SERVICE OFFICERS AS GOVERNORS OF PROVINCES.

**466. \*Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether Government are aware of the strong public opinion in the country against the appointment of Indian Civil Service officers as Governors of Provinces ;
- (b) whether Government had any correspondence with His Majesty's Government in the matter ; if so, whether he will kindly lay a copy of the relevant correspondence on the table ; and
- (c) whether he will make a statement regarding the attitude of Government in this matter ?

**The Honourable Mr. R. M. Maxwell :** The question does not concern the Governor General in Council as Governors are appointed by His Majesty under section 48 (1) of the Government of India Act, 1935.

**Seth Govind Das :** Was any recommendation made in this respect by the Governor General to His Majesty's Government ?

**The Honourable Mr. R. M. Maxwell :** I am not aware of anything done by the Governor General.

#### MECHANISATION OF THE ARMY IN INDIA.

**467. \*Seth Govind Das :** Will the Defence Secretary please state :

- (a) whether Government have decided on the question of the mechanisation of the Army in India ;
- (b) whether Government intend engaging a central co-ordinating authority, viz., a Director of Mechanisation ; and
- (c) the stage at which the matter stands now ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) No.

(c) Part of the Army in India is already mechanised and other units are in process of mechanisation.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether the Government have finished their consideration of mechanising the Indian units of the British army in India ?

**Mr. C. M. G. Ogilvie :** Government have decided upon a policy of mechanisation, yes.

**Seth Govind Das :** How long will it take to mechanise the whole establishment ?

**Mr. C. M. G. Ogilvie :** I cannot say that.

**Mr. T. S. Avinashilingam Chettiar :** How many units is it proposed to mechanise ?

**Mr. C. M. G. Ogilvie :** I could not tell you that.

**Mr. Lalchand Navalrai :** How many units are actually being mechanised ?

**Mr. C. M. G. Ogilvie :** Actually in process of mechanisation, six.

**Mr. N. V. Gadgil :** May I know, Sir, how many people have been thrown out of employment as a result of mechanisation ?

**Mr. C. M. G. Ogilvie :** I would refer my friend to the answer I gave on the 22nd instant.

**Pandit Lakshmi Kanta Maitra :** How many more units do Government propose to mechanise ?

**Mr. C. M. G. Ogilvie :** I could not tell you that.

**Mr. Abdul Qaiyum :** How long will it take to see this process of mechanisation through ?

**Mr. C. M. G. Ogilvie :** It is quite impossible to say that at present.

**Mr. Badri Dutt Pande :** What is the cost of mechanising one unit ?

**Mr. C. M. G. Ogilvie :** It depends on the unit.

**Mr. T. S. Avinashilingam Chettiar :** The Honourable Member said he could not tell us, but he never said that there is any public interest involved in the matter. Is there any public interest in it ?

**Mr. C. M. G. Ogilvie :** Yes.

**Seth Govind Das :** What is the public interest ?

(No reply.)

**Mr. S. Satyamurti :** How many of these six units that are being mechanised are Indian ?

**Mr. C. M. G. Ogilvie :** Two.

## SCHEME OF IMPERIAL REORGANISATION OF THE BRITISH ARMY.

468. \***Seth Govind Das** : Will the Defence Secretary please state :

- (a) the result of the Inter-departmental Conference at London between the India and the War Office on the scheme of Imperial reorganisation of the British Army ;
- (b) whether the British War Office have been suggesting the payment of extra costs involved in the reorganisation scheme so far as India is concerned ; and
- (c) Government's replies thereto and the net results of the propositions ?

**Mr. C. M. G. Ogilvie** : (a)—(c). I refer the Honourable Member to my replies to starred questions Nos. 95, 113 and 131 asked on the 10th instant on the same subject and to supplementary questions arising therefrom.

**Mr. Manu Subedar** : May I inquire whether the Government will now take the party leaders into their confidence and tell them what these talks or negotiations are about on behalf of India ?

**Mr. C. M. G. Ogilvie** : No.

**Mr. S. Satyamurti** : May I know, Sir, whether, after the return of these two gentlemen,—I forget their unpronounceable names,—who attended this inter-departmental conference, Government have been given any information, and, if so, what that information is ?

**Mr. C. M. G. Ogilvie** : Yes, certainly.

**Mr. S. Satyamurti** : May I know what that information is ?

**Mr. C. M. G. Ogilvie** : No.

**Mr. S. Satyamurti** : May I know why Government will not give us the information on a matter of first class importance, and on which this House passed an adjournment motion ? I want to know the results of the conversations in England, the representatives were sent there at our cost for a conference with the War Office representatives.

**Mr. C. M. G. Ogilvie** : The results have not yet been reached.

**Mr. T. S. Avinashilingam Chettiar** : In view of the fact that those representatives have returned to India, may I know if the Government are in a position to say when the matter is going to be decided ?

**Mr. C. M. G. Ogilvie** : No, Sir.

**Mr. S. Satyamurti** : Has the attention of Government been drawn to the statement of one of these gentlemen published in the press, that, as a result of these discussions, India will get some relief from the British exchequer ?

**Mr. C. M. G. Ogilvie** : The attention of Government has been drawn to the statement. The Chief of the General Staff, who is the officer concerned, did not make it.

**Mr. S. Satyamurti** : Has it been contradicted by the Chief of the General Staff or by the Government ?



**Mr. C. M. G. Ogilvie :** It has now been contradicted by Government.

**Mr. Manu Subedar :** May I enquire what are the reasons why such a terrible amount of secrecy is maintained by Government with regard to defence matters even from the Leaders of Parties in this House ?

**Mr. C. M. G. Ogilvie :** Public interest.

**Mr. S. Satyamurti :** May I know whether the contradiction means that India cannot expect any relief from the British exchequer in respect of these talks ?

**Mr. C. M. G. Ogilvie :** No. By no means.

#### SUCCESSOR OF SIR SHADI LAL IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

469. **\*Seth Govind Das :** Will the Honourable the Home Member be pleased to state :

- (a) whether Government were informed of the intention of the Right Honourable Sir Shadi Lal, P.C., to resign or retire from the Judicial Committee of the Privy Council ;
- (b) whether Government, or His Excellency the Viceroy, has been asked by the Lord Chancellor of England to recommend names for a prospective successor to Sir Shadi Lal ;
- (c) whether Government or His Excellency has suggested names ; and
- (d) if not, whether they propose suggesting names of persons to succeed Sir Shadi Lal and, if so, the names to be suggested ?

**The Honourable Mr. R. M. Maxwell :** (a) No.

(b) to (d). The appointment of Judges of Indian experience as Members of the Judicial Committee of the Privy Council is made by His Majesty under sub-section (1) of section 1 of the Appellate Jurisdiction Act, 1929. The Governor General in Council is not concerned.

**Seth Govind Das :** Was any recommendation made by the Governor General in this regard ?

**The Honourable Mr. R. M. Maxwell :** I have no knowledge whatever of that.

**Mr. K. Santhanam :** May I know when officers of the Government of India are being selected for posts outside the jurisdiction of the Government of India, if the opinion of the Government of India is taken whether they can be relieved or not ?

**Mr. President (The Honourable Sir Abdur Rahim) :** That does not arise.

**Mr. S. Satyamurti :** May I know whether the Government of India are consulted if one of their own number is going to be appointed a Member of the Judicial Committee of the Privy Council ?

**The Honourable Mr. R. M. Maxwell :** I have said that the Government of India are not consulted.

**Mr. S. Satyamurti :** Not even then ?

(No answer).

**WATER-TAX CHARGED IN THE JUTOGH AND DAGSHAI CANTONMENTS.**

470. **\*Mr. Badri Dutt Pande :** (a) With reference to his answer to question No. 444 on the 23rd February, 1938, will the Defence Secretary be pleased to state why the cost of water produced by the Military Engineering Service in Jutogh and Dagshai is more than the neighbouring municipality of Simla ?

(b) Is it not a fact that the water supply of Jutogh and Dagshai cantonment areas is maintained by the Military Engineering Service primarily for the military, and the civilians are only given excess water ?

(c) Is it not a fact that the civilians residing in Jutogh and Dagshai cantonments are much poorer than residents of Simla, and cannot afford to pay higher rates of water tax ?

**Mr. C. M. G. Ogilvie :** (a) The reason is that the installations at Dagshai and Jutogh are very small compared with that at Simla, overhead and maintenance charges are consequently heavier. The Simla Municipality is also presumably able to make up the loss on water from other sources.

(b) No. The water supply at both Jutogh and Dagshai cantonments is maintained for both military and civilian residents.

(c) Government have no reason to believe that this is the case.

**Mr. Badri Dutt Pande :** Is it the intention of Government to revise these water rates which are very high ?

**Mr. C. M. G. Ogilvie :** Not at present.

**Mr. Badri Dutt Pande :** Have they received any representation on the subject ?

**Mr. C. M. G. Ogilvie :** Not that I know of.

**HOLDING OF ELECTIONS IN CERTAIN CANTONMENTS.**

471. **\*Mr. Badri Dutt Pande :** (a) In view of the answer to starred question No. 285, dated the 15th February, 1938, will the Defence Secretary be pleased to state whether elections have been held in the cantonments of Abbottabad, Ambala, Kohat, Nowshera, Loralai, Murree Gallees, Risalpur, Delhi, Ahmedabad, St. Thomas Mount and Poona Cantonments ? If so, when ?

(b) If elections have been held, have Boards been constituted and started functioning ? If not, why not ?

(c) If the answer to part (a) be in the negative, when are the elections likely to be held ?

(d) Is it a fact that in Poona Cantonment the whole scheme of elections formulated by Bombay Government has been changed by General Officer Commanding-in-Chief, Northern Command, because the power of holding elections was taken away from the Provincial Government ?

**Mr. C. M. G. Ogilvie :** (a) and (b). Elections have been held in the following cantonments and boards have been constituted and have started functioning :

- (1) Abbottabad.
- (2) Nowshera.
- (3) Ahmedabad.
- (4) Delhi.
- (5) Risalpur.
- (6) Kohat.

Four candidates were returned unopposed in Ambala. Their names will be notified in the gazette very shortly.

(c) The attention of the Honourable Member is invited to the reply given on the 22nd August, 1938, to starred question No. 362 asked by Mr. Mohan Lal Saxena.

(d) The General Officer Commanding-in-Chief, Southern Command, suggested that the Poona Cantonment should be divided into seven wards instead of one ward not because the power of holding elections was taken away from the Provincial Government but because he considered the change necessary in the general interest of the electorates.

**Pandit Lakshmi Kanta Maitra :** May I know whether that was the only change effected, or were any other changes effected by the General Officer Commanding ?

**Mr. C. M. G. Ogilvie :** No other change so far as I know.

**Mr. Badri Dutt Pande :** Was the change made with the consent of the Defence Department ?

**Mr. C. M. G. Ogilvie :** The change is being considered now by the Defence Department. It is a suggestion by the General Officer Commanding-in-Chief, Southern Command.

#### INCREASE IN HOUSE TAX IN THE RAWALPINDI CANTONMENT.

472. **\*Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Deputy Director of Cantonments in the Northern Command called upon the Rawalpindi Cantonment Board to increase the rate of house tax prevailing in that Cantonment ?

(b) Is it a fact that no house tax is levied in the neighbouring municipal committee of Rawalpindi, and that it was lately increased in that Cantonment from 2½ per cent. to 7½ per cent. ?

(c) Is it a fact that the proposal to increase the house tax was opposed in the Board by the elected members, but was carried by the official majority ?

(d) Is it a fact that the new tax is not payable by military officers and that they will make a saving as the house scavenging tax has been abolished, although services are rendered to bungalows ?

(e) Is it a fact that the public of Rawalpindi submitted objections to the proposal of the official majority of Board to increase the tax ? If so, with what results ?

(f) Is it a fact that the income of land, hitherto credited to Cantonment Fund, Rawalpindi, is now credited to Central Government ? If so, how much ?

(g) Is it not a fact that if this income is restored to the Cantonment Fund, the budget of the Cantonment Board will balance ?

**Mr. C. M. G. Ogilvie :** (a) No. He informed the Board that as it had been noted that the levy of house scavenging tax was illegal, they should abolish it, and if necessary increase the house tax to make good the loss.

(b) The answer to the first part of the question is in the affirmative.

The house tax in the cantonment was increased from  $2\frac{1}{2}$  per cent. to  $7\frac{1}{2}$  per cent. in 1894.

(c), (d) and (e). Do not arise.

(f) Income from land outside bazar areas which has not been entrusted to the management of the board is credited to Central Revenues. This amounts to Rs. 4,563 per annum. On the other hand income from land under the management of the board amounting to Rs. 934 per annum which was formerly credited to the Central Revenues is now credited to the cantonment fund.

(g) Does not arise, as the budget already balances.

**Mr. T. S. Avinashilingam Chettiar :** What is the answer to clause (d) ?

**Mr. C. M. G. Ogilvie :** "Does not arise."

**Mr. T. S. Avinashilingam Chettiar :** How does it not arise ? The question is if the new tax is not paid by the military officers, and you have to say "Yes" or "No".

**Mr. C. M. G. Ogilvie :** I do not know what the Honourable Member means. The tax is not a new one, unless he considers a tax 44 years old a new one.

**Mr. T. S. Avinashilingam Chettiar :** May I know if that tax was old, whether it has been paid by military officers ?

**Mr. C. M. G. Ogilvie :** It is not a new tax. A tax which has existed for 44 years is paid by every one.

**Mr. T. S. Avinashilingam Chettiar :** That house tax—is it paid by the military officers ?

**Mr. C. M. G. Ogilvie :** Yes, the tax is paid by everybody.

**Mr. Badri Dutt Pande :** Since when is the income from cantonment lands being credited to the Central Revenues ?

**Mr. C. M. G. Ogilvie :** I cannot give the exact date.

## INCREASE IN HOUSE TAX IN THE AMRITSAR CANTONMENT.

473. **\*Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether it is a fact that the house tax at Amritsar Cantonment is proposed to be increased from five per cent. to 12 per cent. at the instance of the Deputy Director of Cantonments in the Command ?

(b) Is it a fact that land income, hitherto credited to Cantonment Fund, Amritsar, has been taken away by Central Government ? If so, how much ?

(c) Is it a fact that the public of Amritsar Cantonment submitted objections on the increase of house tax and suggested economies in expenditure ? If so, with what results ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) Yes. Rs. 900 a year.

(c) Yes. No specific economies have been suggested. The objections are under consideration.

**Mr. Badri Dutt Pande :** Is it a fact that in Lahore the house tax comes to 9 per cent., in Sialkot 5 per cent., and how is it that it has been raised to 12 per cent. in the Amritsar Cantonment ?

**Mr. C. M. G. Ogilvie :** I cannot see that Lahore or Sialkot arise from this question at all.

**Mr. Lalchand Navalrai :** May I know why there is a big jump from 5 per cent. to 12 per cent. at once ?

**Mr. C. M. G. Ogilvie :** I imagine in order to make the budget balance.

**Mr. Badri Dutt Pande :** Is there any other cantonment where the house tax comes to 12 per cent., or is it only in the Amritsar Cantonment ?

**Mr. C. M. G. Ogilvie :** I shall require notice.

## EMPLOYMENT OF WOMEN IN THE GOVERNMENT OF INDIA DEPARTMENTS.

474. **\*Mr. T. S. Avinashilingam Chettiar** (on behalf of Shrimati K. Radha Bai Subbarayan) : Will the Honourable the Home Member be pleased to state :

(a) which departments under the Government of India are open to women ;

(b) whether there are already any women serving in those departments ;

(c) if the answer to part (b) be in the affirmative, the number in the different grades :

(i) Indian ; and

(ii) European ;

(d) whether women are employed on the same terms as men, and whether any discrimination is made between Indian and European women in service ; and

(e) the departments to which women are not admitted and the reasons for their non-admission ?

**The Honourable Mr. R. M. Maxwell :** The information has been called for and will be supplied in due course.

**Mr. S. Satyamurti :** With reference to the answer to clause (a) of the question,—with regard to figures I can understand the answer, but surely whether the departments of the Government of India are open to women is a matter which should be in the knowledge of the Government of India ; that is a question of practice or law. May I know whether any departments of the Government of India are open to women or not ?

**The Honourable Mr. R. M. Maxwell :** I have said that the information will be called for. The Home Department is not in administrative charge of all the departments of the Government of India and would like to verify its information.

**Mr. S. Satyamurti :** Is the Home Department open to women ?

**The Honourable Mr. R. M. Maxwell :** There has not been any woman in the Home Department so far.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether there is any bar to women being entertained in these Departments ?

**The Honourable Mr. R. M. Maxwell :** I should require further notice of that question.

**Seth Govind Das :** In the Home Department, is there any bar imposed against women being employed ?

**The Honourable Mr. R. M. Maxwell :** No.

**Mr. M. Ananthasayanam Ayyangar :** Are Government aware that under the Constitution Act of 1935 women are eligible for civil services, and not eligible for military services alone ?

**The Honourable Mr. R. M. Maxwell :** The Honourable Member has himself quoted the relevant section, and, therefore, he is aware of the fact.

**Mr. N. M. Joshi :** May I ask whether the Government of India have made any rules under the new Government of India Act excluding women from certain departments ?

**The Honourable Mr. R. M. Maxwell :** No.

#### BOARD TO ADVISE THE GOVERNOR GENERAL WITH REGARD TO THE RECRUITMENT OF THE HIGHER STAFF TO THE SECRETARIAT.

475. **\*Mr. S. Satyamurti :** Will the Honourable the Home Member please state :

- (a) whether on the recommendations of the Wheeler and Maxwell Committees on the reorganisation of the Central Secretariat, action has been taken to form a Board of three members to advise the Governor General with regard to the recruitment to the higher staff ;
- (b) who the members of this Board are ; and
- (c) what their definite functions are ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) Sir Girja Shankar Bajpai, Mr. Spence, Mr. Thorne and the Secretary of the Department for which an officer is to be selected if he is not already a member of the Board.

(c) Their functions are :

(i) in an advisory capacity only, to make recommendations for the appointment of officers of and above the rank of Under Secretary in certain Departments of the Government of India Secretariat ;

(ii) on the reversion of an Under Secretary or Deputy Secretary from a post in any of these Departments, to determine whether or not a lien should be retained on his services for future re-employment in the Central Secretariat.

**Mr. S. Satyamurti :** With reference to their function of advising the Government of India with regard to these appointments, is this Board confined in its field of choice to those already in the service of the Government of India, or do they consider all civilians serving in the various provinces also ?

**The Honourable Mr. R. M. Maxwell :** They consider all civilians in the provinces.

**Mr. S. Satyamurti :** Is the field of choice limited only to members of the Indian Civil Service ?

**The Honourable Mr. R. M. Maxwell :** The Board is intended to deal primarily with members of the Indian Civil Service, who form the Secretariat pool, that is the pool of officers available for Central service. They will also deal with officers of the Central services in so far as they are eligible for secretariat appointments in the general pool.

**Mr. S. Satyamurti :** Is this pool open to members who are serving in the provinces on the same terms as to the members serving in the Government of India ?

**The Honourable Mr. R. M. Maxwell :** There is no separate pool for the Government of India and the provincial services.

**Mr. S. Satyamurti :** May I take it that this Board considers the claims of all eligible people, wherever they are serving ?

**The Honourable Mr. R. M. Maxwell :** Yes.

**Mr. S. Satyamurti :** Are their recommendations usually accepted or rejected as the appointing authority chooses ?

**The Honourable Mr. R. M. Maxwell :** The Board has only just started functioning. So, there is no question of its recommendations being usually accepted or not.

**Mr. M. Ananthasayanam Ayyangar :** Have any special tests been prescribed for the applicants, before they are appointed ?

**The Honourable Mr. R. M. Maxwell :** No formal test.

**Mr. T. S. Avinashilingam Chettiar :** With reference to clause (a), may I know whether the Government have begun putting into practice the recommendations of the Maxwell Committee ?

**The Honourable Mr. R. M. Maxwell :** That does not arise. This question relates only to the Board.

**Mr. S. Satyamurti :** Does this Board send for these applicants with a view to interviewing them, or does it look into their records of service, or does it merely act in a vacuum ?

**The Honourable Mr. R. M. Maxwell :** The Board receives the list of possible names from the Establishment Officer and then it scrutinises the records of the officers concerned and makes its recommendation in an advisory capacity only.

**Mr. S. Satyamurti :** Does it ever interview these officers ?

**The Honourable Mr. R. M. Maxwell :** The Board has the records of the Officers, and an interview is not important at that stage.

**Mr. S. Satyamurti :** I want to know whether the Board interviews these gentlemen selected.

**The Honourable Mr. R. M. Maxwell :** A certain proportion of candidates are interviewed by the Establishment Officer. That is one of his duties while he goes on tour.

**Mr. S. Satyamurti :** The Board does not do it ?

**The Honourable Mr. R. M. Maxwell :** No.

#### TAKING OVER OF THE ADMINISTRATION OF THE SALT DEPARTMENT FROM THE BENGAL GOVERNMENT.

476. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member please state whether the Government of India contemplate taking over the administration of the Salt Department from the Bengal Government ? If so, when ?

**Mr. A. H. Lloyd :** The question is under consideration.

**Mr. S. Satyamurti :** May I know whether the statement in the newspapers some time ago that the Government have decided to take over the Salt Department in Bengal is premature or not quite correct ?

**Mr. A. H. Lloyd :** I don't know the authority for that statement.

**Mr. S. Satyamurti :** May I know whether the Government of India are taking over the Salt Department from the point of view of economy ?

**Mr. A. H. Lloyd :** That is one of the considerations. We also consider it desirable, in the interests of general efficiency of control, to take over our own departments where that can be done without inconvenience or unnecessary expense.

**Mr. S. Satyamurti :** Is Bengal the only province in which the Salt Department has not been taken over by the Government ? May I know when they propose to complete the consideration of this subject ?



**Mr. A. H. Lloyd :** With regard to the first part of the question, Bengal is not the only province. With regard to the second point, that, I think, is a matter upon which I can make no definite prediction.

**Mr. S. Satyamurti :** What are the other provinces where the Salt Department is still administered by the Provincial Governments ?

**Mr. A. H. Lloyd :** Sind, part of Orissa and Bengal.

**Pandit Lakshmi Kanta Maitra :** Is it a fact that the Government of Bengal represented to the Honourable Member's department to retain the administration of salt in their own hands ?

**Mr. A. H. Lloyd :** I am not prepared to disclose what communications have passed between the Bengal Government and the Government of India on this subject.

**Pandit Lakshmi Kanta Maitra :** I am asking merely a question of fact. I do not want the Honourable Member to disclose the subject matter.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether this is part of a general policy of the Government to take all their departments in their own hands ?

**Mr. A. H. Lloyd :** Certainly.

**Mr. M. Ananthasayanam Ayyangar :** Is it not a fact that during the last session, legislation was passed entrusting the management of this department to the province of Sind ?

**Mr. A. H. Lloyd :** I think the Honourable Member is referring to an Act by which we amended the Bombay Salt Act and various other Acts in order to get over a technical difficulty regarding our entrusting to the Sind Government certain functions in the matter of the administration of salt. That did not commit the Government of India in any way as to how long they will go on using the Local Government's agency.

#### CUSTOMS CORDON ROUND PONDICHERRY AND KARIKAL IN SOUTH INDIA.

477. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) the results of the tightening of the customs cordon round Pondicherry and Karikal in South India ;
- (b) whether any consultations or negotiations are going on between the British customs and the French customs officials in regard to this arrangement ; and
- (c) whether Government have come to any conclusions on this matter ?

**The Honourable Sir James Grigg :** (a) Smuggling across the Pondicherry and Karikal frontiers has been greatly reduced and a considerable volume of trade has been restored to its normal channels.

(b) No.

(c) Does not arise.

**Mr. S. Satyamurti :** Apart from the vigorous use of police and customs officials to detect these offenders, may I know whether Government have considered or will consider some negotiations with the French Customs Officials so as to minimise this attempt at smuggling, in view of the present advantages for smugglers ?

**The Honourable Sir James Grigg :** Well, Sir, I do not think in any case that the present is an opportune time because I understand that those people in Pondicherry and Karikal who are interested in this illicit traffic are giving a pretty uncomfortable time to the French authorities.

**Mr. S. Satyamurti :** Apart from that, may I know whether the Finance Member will apply his mind to the question of minimising the temptations for smugglers by coming to some arrangement with the French Government ?

**The Honourable Sir James Grigg :** Two years ago, some arrangements were made with the French Government in regard to the packet post but I am not sure whether at the present moment it will be opportune to enter into any administrative negotiations with the French Government.

**Mr. S. Satyamurti :** May I know whether His Majesty's Government would negotiate with the French Government to see if some arrangement could be made by which this perpetual menace in regard to customs revenue and its attendant evils could be abolished or reduced ?

**The Honourable Sir James Grigg :** Did not the Honourable Member ask the other day whether we would try and induce the French to give up Pondicherry ?

**Mr. S. Satyamurti :** I am not so ambitious as all that ! My simple question is whether some methods could not be devised by which the temptations in the way of these smugglers could be reduced, if not extinguished.

**The Honourable Sir James Grigg :** The first supplementary answer I gave was that something of that sort has been mooted but the people who are interested in the illicit trade are making things pretty uncomfortable for the French officials.

**Mr. T. S. Avinashilingam Chettiar :** Have the Government any figures to show that the illicit traffic is reduced ?

**The Honourable Sir James Grigg :** The Honourable Member might study the figures given by the Pondicherry Chamber of Commerce showing the imports by sea into Pondicherry of the kinds of goods on which high duty is chargeable on entering British India. I can give him figures for two items. Piece-goods. The imports in 1936 were 6,686 cases, in 1937 they were 1,795 cases. Sugar in 1936 was 18 thousand odd bags, in 1937 it was 6,000 odd bags. I can give him other instances.

**Mr. M. Ananthasayanam Ayyangar :** May I know whether the attempts at prohibiting smuggling have resulted in a number of unnecessary and vexatious prosecutions ?

**The Honourable Sir James Grigg :** I don't think so.

**Mr. Manu Subedar :** May I know whether Government have considered the proposal to buy out the customs rights for a lump sum and then put their own customs officials at the place ?

**The Honourable Sir James Grigg :** I do not think any such proposal has been made and as customs rights are an integral part of sovereignty, I think it is extremely unlikely that anything of the sort suggested can be done.

MEMORANDUM PRESENTED TO THE RESERVE BANK BY THE SOUTH INDIAN CHAMBER OF COMMERCE.

478. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether his attention has been drawn to the memorandum presented to the Governor and Deputy Governor of the Reserve Bank by the South Indian Chamber of Commerce on the 20th July last ;
- (b) whether the Reserve Bank propose to issue any statement as regards their policy in respect of the future of the banking system in this country ;
- (c) whether the Reserve Bank propose to give some relief to the commercial and other interests, when a scheduled bank is in liquidation, by making to the liquidator some advances against sound assets of the Bank to meet the demands of the creditors at least partially ;
- (d) whether the Reserve Bank propose to act under section 17 of the Act ;
- (e) whether Government have any idea of amending section 42 of the Act ;
- (f) whether the Reserve Bank intend opening more local branches in important centres ; and
- (g) whether Government have considered, or are prepared to consider, legislation in order to ensure that the banks incorporated in Indian States or foreign settlements in India are allowed to open branches in British Indian Provinces only under certain necessary safeguards ?

**The Honourable Sir James Grigg :** (a) I refer the Honourable Member to the replies which I gave to supplementary questions asked on Mr. Manu Subedar's question No. 253, replied to on the 16th instant.

(b) to (e). I refer the Honourable Member to the replies which I gave on the 22nd instant to certain short notice questions.

(f) This is a matter for the Reserve Bank to decide.

(g) The attention of the Honourable Member is directed to Part X read with Part X-A of the amended Indian Companies Act.

**Mr. S. Satyamurti :** With reference to the answer to clause (g) of my question, may I ask whether Government have now any proposals, in view of recent developments in South India, to impose any restrictions on banks incorporated in Indian States operating in British India ?

**The Honourable Sir James Grigg :** I think that will be found to be satisfactorily dealt with in those parts of the Indian Companies Act which have been mentioned, when they come into operation.

**Mr. S. Satyamurti :** May I know how Government have satisfied themselves that during the recent banking crisis the Reserve Bank did use their powers adequately and on proper lines and in conformity with the Reserve Bank Act. Is that based on a mere statement of the Reserve Bank, or have Government made an independent inquiry and satisfied themselves in respect of this matter ?

**The Honourable Sir James Grigg :** If the Honourable Member will refer to my answer to a short notice question, he will see that Government are in continuous touch with the Reserve Bank through their own official Director on the Central Board.

**Mr. S. Satyamurti :** That refers only to their legal powers being adequate. I am asking, with regard to this specific banking crisis, how Government have satisfied themselves that during that crisis all these demands were adequately met ?

**The Honourable Sir James Grigg :** By the fact that the run or the scare in Madras as a result of the unfortunate mishap to the Travancore National and Quilon Bank was very rapidly stopped,—and I think I may quote the evidence of the Chief Minister of Madras :

“ The reported activities of some mischievous persons render it necessary for me to issue this statement emphasising the fact that the scheduled banks in Madras are in a perfectly sound position. Even those banks that took help from the Reserve Bank during the recent crisis have cleared off all those accounts.

Further the local Reserve Bank has the sanction to give accommodation to these banks, should such accommodation be ever found necessary. I am in close touch with the manager of the local Reserve Bank branch and issue this statement as a result of the conversations I had with him.

An idle or mischievous talk should not be given heed to or be repeated.”

**Mr. S. Satyamurti :** There is another statement to which we were referred, viz., that :

“ Government do not consider that it would be desirable to seek or give any further information as to the types of bills discounted or the advances made to scheduled banks beyond the totals which are published in the weekly statement of the Reserve Bank.”

With reference to clause 17 of the Reserve Bank Act, which elaborately provides for the types of bills which ought to be rediscounted, may I ask why Government do not propose to give some information or indication of the types of bills discounted under the provisions of this Act ?

**The Honourable Sir James Grigg :** The character of the information to be given in weekly statements of the Reserve Bank was very carefully considered at the time the Act was passed. My recollection is that there was a good deal of feeling that even the information already given was excessive.

**Mr. S. Satyamurti :** My Honourable friend said in the course of that statement that “ the ability of the Reserve Bank to keep in touch with scheduled banks clearly depends largely on the scheduled banks themselves, as the Reserve Bank cannot compel them to disclose their

affairs to it''. May I know if any scheduled banks have refused or been allowed to refuse all relevant information to the Reserve Bank in order to enable the Reserve Bank to keep in touch with the affairs of all scheduled banks ?

**The Honourable Sir James Grigg :** I cannot answer that off-hand, but I have no doubt that if the Reserve Bank asked for information from the scheduled banks beyond that which they are statutorily compelled to disclose, they would get in some cases a pretty violent refusal.

**Mr. S. Satyamurti :** Considering the fact that the powers of the Reserve Bank over the scheduled banks are pretty limited and in view of the recent crisis, do Government propose to consider amending the Reserve Bank Act with a view to giving them slightly more powers or conferring upon them slightly more responsibilities ?

**The Honourable Sir James Grigg :** I think that is covered by the long answer which I gave previously.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not repeat it.

**The Honourable Sir James Grigg :** I will only read the last few lines of the answer :

“ This is the first occasion in the history of the Reserve Bank in which assistance has been required on account of a run, and though, so far, it considers its legal powers adequate, it is examining them in the light of their recent practical application and will invite the comments of the scheduled banks. If, thereafter, the Bank considers any further powers desirable, they will no doubt report to Government.”

**Mr. S. Satyamurti :** Apart from what the Reserve Bank may report, Government also are responsible in the ultimate resort for a sound banking system. Have Government addressed their mind to this question ?

**The Honourable Sir James Grigg :** As the Reserve Bank has been set up as the expert authority on this subject, I think it would be an act of supererogation on the part of Government to do it in advance,—in other words, Government will preserve in this matter the very good maxim of not keeping dogs and barking themselves.

**Mr. M. Ananthasayanam Ayyangar :** May I know if one other bank in India has suspended payment ?

**The Honourable Sir James Grigg :** I have seen an account to that effect.

**Mr. M. Ananthasayanam Ayyangar :** Have the Reserve Bank of India rendered any help to that bank ?

**The Honourable Sir James Grigg :** I have no information on that.

#### PROBLEM OF THE DEFENCE OF COCHIN.

479. **\*Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) whether the problem of the defence of Cochin is now engaging the active attention of the Government of India ;
- (b) whether the Government of India have come to the conclusion that Cochin affords ample facilities for a naval base and a military aerodrome ;

(c) whether Government propose to take any steps in this direction ;

(d) whether they will consult the Legislature before taking any steps ; and

(e) if not, why not ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (c). It is not in the public interest to reply to these parts of the question.

(d) No.

(e) The responsibility in this matter pertains to the Executive Government.

**Mr. S. Satyamurti :** May I have some more elucidation of the answer to clause (d) of my question,—may I know whether they will consult the Legislature before taking any steps—they refuse to answer questions (a), (b), and (c), that they will decide what they consider right without consulting the Legislature ?

**Mr. C. M. G. Ogilvie :** I am not at all clear as the precise bearing of the Honourable Member's question, but no Government—no Government, not only this Government but no Government—would ever think of consulting the Legislature on a matter of this kind.

**Mr. T. S. Avinashilingam Chettiar :** With regard to the net additional expenditure proposed, do Government propose to incur the liability for the expenditure without consulting the House on that expenditure ?

**Mr. C. M. G. Ogilvie :** I am not prepared to answer any questions on hypothetical expenditure.

**Mr. Manu Subedar :** May I inquire—when the Honourable Member says that it is not in the public interest to give this information or any other information about defence—which is the public that he means—the public in India or the public in the United Kingdom ?

(No answer.)

**Mr. T. S. Avinashilingam Chettiar :** May I know why Government consider that in this matter of defence of Cochin it is not in the public interest to answer questions, or why they consider that this matter of defence expenditure is hypothetical ?

**Mr. C. M. G. Ogilvie :** I cannot give the Honourable Member any further reply than I have already given.

**Mr. S. Satyamurti :** Have Government any proposals for making Cochin a naval base and a military aerodrome ?

**Mr. C. M. G. Ogilvie :** I would again refer the Honourable Member to my answer to parts (a), (b) and (c) of his question.

#### SALE OF ICE IN THE BAZAR AREA OF THE LAHORE CANTONMENT.

480. **\*Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Bazar Committee of Lahore Cantonment Board decided to allow more factories than one to sell their ice in the Bazar area by item No. 137 of the Bazar Committee meeting held on the 14th June, 1938 ?

(b) Is it a fact that this decision was only confined to sellers in Bazar area ?

(c) Is it a fact that the elected Chairman of the Bazar Committee allowed the motion ?

(d) Is it a fact that the official President of the Board ruled the motion as out of order, which meant the cancellation of the decision of the Statutory Bazar Committee ? If so, why ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (c). Yes.

(d) Yes, because matters affecting the health of the inhabitants of the cantonment as a whole are definitely outside the competence of the Bazar Committee.

**Mr. Mohan Lal Saksena :** Is it not a fact that when the Bill was passed by the House, the Defence Secretary had given an assurance that the Bazar Committees would be autonomous in these matters ?

**Mr. C. M. G. Ogilvie :** No, certainly not.

#### CANCELLATION OF COMMISSIONS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

481. **\*Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state if it is a fact that some commissions in the Army in India Reserve of Officers were cancelled in January 1938 ?

(b) On what grounds were these commissions cancelled ?

(c) Was any enquiry made before cancelling these commissions ?

(d) Were the officers, whose commissions were cancelled, given any opportunity to explain their conduct ?

**Mr. C. M. G. Ogilvie :** (a) Yes. The appointments of three Indian gentlemen as 2nd-Lieutenants on probation in the Army in India Reserve of Officers were cancelled during the month of January, 1938.

(b) The reasons for cancellation were as follows :

One gentleman reported that he had been accepted as a candidate for the post of Extra-Assistant Commissioner and as the Local Government were unable to spare him in the event of general mobilisation, his appointment was cancelled from the 8th of January, 1938.

Two others, after completion of the period of training, were reported on by the local military authorities as unsuitable for retention in the Reserve. The reports were accepted in both cases and the appointments of the gentlemen were cancelled with effect from the 15th of January, 1938, under the provisions of paragraph 16 of the Provisional Regulations for the Indian wing of the Army in India Reserve of Officers.

(c) No.

(d) No.

**Mr. Sham Lal :** What were the grounds of unsuitability ?

**Mr. C. M. G. Ogilvie :** They were not regarded after the period of training as suitable to make officers in the army.

**Maulvi Abdur Rasheed Chaudhury :** On what grounds ?

**Mr. C. M. G. Ogilvie :** Merely they were not suitable.

**Mr. Lalchand Navalrai :** May I ask if all these three persons were Indians ?

**Mr. C. M. G. Ogilvie :** Yes.

#### DELAY IN HOLDING ELECTIONS IN THE AMBALA CANTONMENT AND SETTING UP OF CANTONMENT BOARDS.

482. **\*Mr. Sham Lal :** (a) Will the Defence Secretary please state if it is a fact that elections in Ambala Cantonment were held about a year and a half after passing of the new Cantonment Act, while according to the Act, the Corporation Soles were to be substituted immediately by elected Boards and, if so, will Government please explain the cause of such a long delay ?

(b) Is it a fact that four members have been duly elected to the Cantonment Board, Ambala, according to Rule 11 of the Punjab Cantonment Electoral Rules ? If so, will Government please explain why the Board there has not been formed as yet, although more than three months have elapsed since the declaration of the election results ?

(c) What steps have Government taken or intend to take for the formation of the Board at an early stage ?

(d) Will Government please state if there are other Cantonments, besides Ambala, where elected Boards have not been so far set up, and if there are what are the causes of this long delay and what steps Government are taking to expedite the matter ?

**Mr. C. M. G. Ogilvie :** (a) As prior to 1st April, 1938, elections in cantonments was the concern of the Provincial Governments, the Government of India are not aware of the cause of delay in holding elections in the Ambala Cantonment.

(b) Yes. The Board has not yet been formed as the Punjab Government have only recently forwarded the case regarding elections in the Ambala Cantonment. After consideration of the points raised thereon, the Central Government have decided to notify the elections of the four members in question as soon as the names of the nominated members, which are being called for, have been received from the Officer Commanding, Ambala.

(c) Does not arise.

(d) Yes. In this connection the attention of the Honourable Member is invited to the reply given on the 22nd August, 1938, to starred question No. 362, asked by Mr. Mohan Lal Saksena.

#### LEGISLATION ENFORCING UNIFORM TAXATION ON TESTAMENTARY AND INTESTATE SUCCESSION, ETC.

483. **\*Sri K. B. Jinaraja Hegde :** (a) Will the Honourable the Finance Member be pleased to state whether the Government of India have under contemplation a legislation in order to enforce uniform



taxation as to duties on testamentary and intestate succession and survivorship in all communities without distinction of religion, personal laws and customs ?

(b) If so, when will such legislation be introduced ?

**Mr. A. H. Lloyd :** (a) The question of introducing Central legislation for the levy of duties in respect of succession to property, other than agricultural land, is under consideration and the specific point referred to by the Honourable Member will receive attention.

(b) No decision has been reached.

**Mr. M. Ananthasayanam Ayyangar :** May I ask if any of the Provincial Governments recommended to the Government of India to introduce such legislation ?

**Mr. A. H. Lloyd :** We have had no formal request from any Provincial Government in the matter.

**Mr. M. Ananthasayanam Ayyangar :** When did the Government of India consult the Provincial Governments in this matter ?

**The Honourable Sir James Grigg :** There was a considerable discussion on this subject in general terms at the first Conference of Finance Ministers which took place in Delhi last January.

**Mr. M. Ananthasayanam Ayyangar :** Are not the succession duties due to the several Local Governments ?

**The Honourable Sir James Grigg :** They are due to be imposed and collected by the Central Government and the proceeds are to be handed over to the Provincial Governments in accordance with some Central Act regulating the manner of distribution.

**Mr. T. S. Avinashilingam Chettiar :** Do the Government of India expect to introduce legislation over this matter soon ?

**The Honourable Sir James Grigg :** One of the considerations which will enter into the question of introducing legislation will be the degree of agreement among the Provincial Governments as to the particular details of the legislation.

**Sri K. B. Jinaraja Hegde :** Is it not a fact that the poor Christian community is very hard hit under the present laws ?

**Mr. A. H. Lloyd :** The Government of India are aware that the existing probate duties under the Court Fees Act fall more heavily upon certain communities, including the Christian community, than upon those communities where succession does not involve the taking out of letters of administration.

**Mr. M. Ananthasayanam Ayyangar :** What is the approximate estimate of the income that may be derived from all the provinces ?

**Mr. A. H. Lloyd :** That will depend very largely upon the rates.

## MARRIAGES OF CONVICTS IN THE ANDAMANS.

484. \***Mr. Brojendra Narayan Chaudhury** : Will the Honourable the Home Member please state :

- (a) if his attention has been drawn to the article "Convict marriages are common on India's Devil Island", at page 68 of the *Illustrated Weekly of India*, July 24, 1938 ;
- (b) if the figures of 7,000 convicts, nearly 2,000 women convicts, and 1,000 convict marriages within the last five years, given in the article, are fairly correct ;
- (c) whether with reference to the statement that "about 2,000 women" take part in the "Weekly love parades" it is a fact that even women married in India before conviction are also paraded ;
- (d) if the above figure of 1,000 marriages in five years include any case of bigamy which is an offence under Chapter XX of the Indian Penal Code ;
- (e) if Chapter XX (offence against marriage) of the Penal Code is in force in Andamans ;
- (f) the number of maiden convicts at the beginning of the period of the last five years and the number newly received during these five years ;
- (g) how the official "Fixer-up" exactly manages when there are more than one candidate for the same woman ; and
- (h) if there are now and then respectable women convicts who are not hardened criminals but committed crimes on the impulse of the moment, and whether these also are sent to the "Love Parades" ?

**The Honourable Mr. R. M. Maxwell** : (a) to (h). For a detailed and authoritative answer to these questions I have to refer to the Chief Commissioner, and I will lay the information, when received, on the table of the House.

I am, however, glad of this opportunity to state that the parts of the article to which the Honourable Member has drawn my attention are, to the best of my belief, almost wholly fiction. No female convicts are now transported to Andamans. The number of female convicts there on April the 1st, 1937, was 11, and these I believe to have been locally convicted. It follows that there are no matrimonial parades of the kind mentioned in the article. Male convicts are permitted to import their wives and families, and many do so. In the year 1936-37 44 marriages occurred between convicts and free persons. There are strict rules governing marriages and requiring in particular that they should be permissible under the personal law of the parties : and the Indian Penal Code is in force.

**Mr. Brojendra Narayan Chaudhury** : May I ask what effective steps the Honourable Member proposes to take to see that no such fictitious articles appear in the press ?

**The Honourable Mr. R. M. Maxwell :** The Government of India are too jealous of the freedom of the press.

**Mr. M. Ananthasayanam Ayyangar :** If the convicts in the Andamans are allowed to import their wives, how does it happen that so many marriages are contracted there ? Are they married once again ?

**The Honourable Mr. R. M. Maxwell :** If they are unmarried men, they marry unmarried women.

**Maulana Zafar Ali Khan :** I should like to know whether there has been instance in which a female convict, who had a husband in India, was married to a male convict in these Devil Islands ?

**The Honourable Mr. R. M. Maxwell :** I have said that I was referring to the Chief Commissioner for a detailed answer to the questions.

**Mr. T. S. Avinashilingam Chettiar :** Apart from the humour, may I ask whether the Government propose to take any steps to warn this paper that it should not publish such a grossly fictitious matter which has no relation to the facts ?

**The Honourable Mr. R. M. Maxwell :** I am grateful to the Honourable Member who asked the question for giving me an opportunity of contradicting the story as publicly as possible in this House and no better publicity could be desired.

#### GOVERNORS IN INDIA.

485. **\*Maulvi Abdur Rasheed Chaudhury :** (a) Will the Honourable the Home Member please state the total number of Governors, both officiating and permanent, in 1937 and 1938 ?

(b) How many of them are men of the Indian Civil Service ?

(c) How many of them are Indians ?

**The Honourable Mr. R. M. Maxwell :** The question does not concern the Governor General in Council as Governors are appointed by His Majesty under section 48 (1) of the Government of India Act, 1935.

**Mr. M. Ananthasayanam Ayyangar :** May I rise to a point of order ? Clause (b) of this question asks for information as to how many of them are men of the Indian Civil Service ? Indian Civil Service is a department of the Government of India which is under their control. If they are promoted, how is it that this information cannot be given. Therefore the answer just now given is not the right one ?

**The Honourable Mr. R. M. Maxwell :** The Indian Civil Service is not a department of the Government of India. It is a service under the control of the Secretary of State.

**Mr. M. Ananthasayanam Ayyangar :** If the Government of India have no control when they are appointed, does it mean that they cease to be under the Government of India after they are appointed ?

(No answer.)

**Maulvi Abdur Rasheed Chaudhury :** My question was how many Indian Civil Service men were Governors of Provinces in 1937 and 1938. Surely this answer could be given.

(No answer.)

**Mr. Mohan Lal Saksena :** Have the Government of India no control over the transfer of I. C. S. men ?

**The Honourable Mr. R. M. Maxwell :** They have no control over the appointment of I. C. S. officers as Governors.

**Mr. Mohan Lal Saksena :** What about their transfers and promotions ?

**The Honourable Mr. R. M. Maxwell :** I submit that that question does not arise.

**Mr. S. Satyamurti :** May I ask whether the Government of India are not consulted, from the point of view of the exigencies of service, whether they can spare the services of these I. C. S. officers for appointment as Governors ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

**Mr. S. Satyamurti :** This is a matter of great public importance, Sir, and I submit I should be allowed to put my supplementary question.

**Mr. President** (The Honourable Sir Abdur Rahim) : But he says it is not the concern of the Governor General in Council.

**Mr. S. Satyamurti :** I am asking only with regard to the exigencies of service, whether the Government of India are not consulted before the members of the Indian Civil Service are appointed as Governors. Surely the Government of India should be consulted as to whether they can spare the services of any I. C. S. officer for being appointed as Governor. I submit the Honourable Member ought to be able to answer that question.

**The Honourable Mr. R. M. Maxwell :** The answer is no.

#### AGE-LIMIT FOR THE RECRUITMENT OF ASSISTANTS IN THE CENTRAL SECRETARIAT.

486. **\*Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state whether the maximum age-limit for the recruitment of Assistants in the ministerial service of the Government has been reduced from 24 years to 22 years ?

(b) Was the last examination for the service held in 1937 to fill vacancies from the 1st October, 1937, to September, 1938, only ?

(c) Will the Honourable Member please state whether it was reasonably expected that there would be an examination in 1938, but there was no such examination ?

(d) Are Government aware that the reduction of age has disappointed a large number of candidates who had been preparing for the examination, but are no longer eligible on account of reduction of age ?

(e) Are Government prepared to consider the propriety of gradual reduction of age, as in the case of clerks' examination, and give a chance to all those who will not attain the age of 24 in July, 1939 ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes, with effect from the next examination.

(b) Yes.

(c) It was decided, and announced in February, 1938, that the list for the examination held in July, 1937, would remain in force till the 30th September, 1939, as the number of vacancies did not justify the holding of a fresh examination.

(d) and (e). Notice of the change in the maximum age-limit was given in July last : and I think the notice should prove long enough for persons affected to adapt their plans to the change.

**AGE-LIMIT FOR THE RECRUITMENT OF ASSISTANTS IN THE CENTRAL SECRETARIAT.**

487. **\*Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that, along with the reduction of age-limit from 24 to 22 for the recruitment of Assistants in the Imperial Secretariat, it has been laid down that the age should be counted as on the 1st July of the year of the examination ?

(b) What is the particular significance of 1st July ?

(c) Are Government prepared to provide that the age should be reckoned from January of the year of examination, as in the case of the Indian Civil Service examination ?

**The Honourable Mr. R. M. Maxwell :** (a) Yes.

(b) July 1st has been fixed, because this examination is usually held in July or August.

(c) No. January 1st has been fixed for the Indian Civil Service, because the examination is held early in January.

**SUPERSESSION OF INDIAN SUPERINTENDENTS BY EUROPEANS FOR PROMOTION AS OFFICE SUPERVISORS IN THE MASTER GENERAL OF ORDNANCE BRANCH.**

488. **\*Prof. N. G. Ranga :** Will the Defence Secretary please state :

(a) whether it is a fact that three Senior Indian Superintendents (pay Rs. 700 per mensem), were recently superseded by two Junior European Civilian Superintendents who were promoted, in preference to the Indians, as Officer Supervisors (pay Rs. 950—1,150 per mensem) in the Office of the Master General of Ordnance, Army Headquarters ; if so, what the reasons for this supersession are ;

(b) whether it is a fact that one of the superseded Indian Superintendents appealed to the Government of India against his supersession on racial grounds ; if so, with what result ;

(c) whether it is a fact that one of the promoted Europeans is aged only about 40 ; if so, whether it is Government's policy that no vacancy for an Indian to be promoted as Officer Supervisor in that office, should be created for the next 15 years ; and

(d) whether Government have considered the question of transferring the power of making ministerial appointments from the Army authorities to the Public Service Commission, or the Home Department ?

**Mr. C. M. G. Ogilvie :** (a) Two Indians, one Anglo-Indian and five European Superintendents were recently superseded by two European civilian Superintendents in the office of the Master General of the Ordnance. These appointments are made by selection and those best fitted for them are selected.

(b) An appeal was received from one of the Indian Superintendents, but was not based on grounds of racial discrimination. It was rejected.

(c) The answer to the first part is 'yes'. The answer to the second part of the question is 'no'. During the next four years there are likely to be at least four permanent vacancies among Office Supervisor's appointments in the Master General of Ordnance Branch for which Indians will be eligible.

(d) No.

**Prof. N. G. Ranga :** Who constitutes this Selection Committee ? Who are the members of this Selection committee ?

**Mr. C. M. G. Ogilvie :** I want notice.

**Prof. N. G. Ranga :** Are there any Indians on the Selection Committee ?

**Mr. C. M. G. Ogilvie :** I do not know ; I want notice.

#### ABOLITION OF CLERICAL POSTS AND CREATION OF OFFICERS' POSTS IN THE MASTER GENERAL OF ORDNANCE BRANCH.

489. **\*Prof. N. G. Ranga :** Will the Defence Secretary please state whether it has been decided by Government to reduce a number of clerical appointments in the Master General of Ordnance Branch, Army Headquarters, in order to partially meet the cost of additional officers' posts recently sanctioned for that office ? If so, will the Defence Secretary kindly state :

- (a) the exact number of the clerical posts to be abolished in that office and their financial effect ;
- (b) whether the incumbents of all the clerical posts abolished or about to be abolished, are Indians and none of them are non-Indians ; and
- (c) the reasons for sanctioning the additional officers' posts, and the financial effect of these newly sanctioned posts ?

**Mr. C. M. G. Ogilvie :** The reduction of certain clerical posts in the Master General of the Ordnance Branch is in no way connected with the recently sanctioned increase of four officers.

(a), (b) and (c). Do not, therefore, arise.

**Mr. M. Ananthasayanam Ayyangar :** What is the amount saved by such reduction of clerks ?

**Mr. C. M. G. Ogilvie :** The sum which will be ultimately saved, after a very long time, is estimated to be Rs. 25,000.

**Mr. M. Ananthasayanam Ayyangar :** What is the amount spent on these additional officers ?

**Mr. C. M. G. Ogilvie :** Approximately Rs. 73,000.

**Mr. M. Ananthasayanam Ayyangar :** Has the negative answer to part (b) got anything to do with the earlier answer that they had created a number of new offices ? I want to know whether all the incumbents of all the clerical posts abolished or about to be abolished are Indians and none of them are non-Indians ?

**Mr. C. M. G. Ogilvie :** The Honourable Member's question was conditioned by the words ' if so '. So as the answer was no, the whole of the rest of his question does not arise. But I can tell him as he wants to know that one of the clerical posts to be abolished is a European's post.

**Prof. N. G. Ranga :** How many of these posts are to be abolished ?

**Mr. C. M. G. Ogilvie :** Nine.

#### NEW PROPOSALS AS ANNOUNCED BY MR. HORE-BELISHA IN THE HOUSE OF COMMONS.

490. **\*Sardar Mangal Singh :** Will the Defence Secretary please state :

- (a) whether the new proposals as announced by Mr. Hore-Belisha in the House of Commons on the 28th July, 1938, would also be applied to the Indian Commissioned Officers, and Viceroy's Commissioned Officers ;
- (b) whether there will be any change in the scheme of the Indian Military Academy at Dehra Dun ;
- (c) whether the number of candidates admitted in the Academy from the Army side would be increased ;
- (d) what the increase in expenditure as a result of these new proposals would be ; and
- (e) whether the whole of this expenditure would be met from the Indian Exchequer ?

**Mr. C. M. G. Ogilvie :** (a) As regards Indian commissioned officers the matter is under consideration. Viceroy's commissioned officers are not affected.

(b) Not as the result of the proposals in question.

(c) No.

(d) If it is ultimately decided to accelerate the promotion of officers in the Indian Army to correspond with the acceleration now granted to those in the British Service, there will be a slight increase in expenditure, but it is not yet possible to say precisely how much this will be.

(e) Yes.

**Mr. M. Ananthasayanam Ayyangar :** May we know whether any change would not be effected in pursuance of any direction or scheme laid down by Hore-Belisha and if there is proposed any change in the military academy course or on any other grounds ?

**Mr. C. M. G. Ogilvie :** That I submit does not arise. There is no change whatever as a result of these proposals. They are not connected with them in any way.

**Sardar Mangal Singh :** Will there be any change irrespective of the scheme of Hore-Belisha ?

**Mr. C. M. G. Ogilvie :** There may be. We cannot say that the present scheme of Indian Military Academy is sacrosanct for all time. It may be altered sometime or other but not as a result of these proposals.

**Sardar Mangal Singh :** Are the Government of India considering this at the present moment ?

**Mr. C. M. G. Ogilvie :** Very much so.

NEW PROPOSALS AS ANNOUNCED BY MR. HORE-BELISHA IN THE HOUSE OF COMMONS.

491. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

- (a) whether he was consulted before Mr. Hore-Belisha made his statement on the increase of pay and prospects of the British troops, which involved large financial commitments on the Indian Exchequer ;
- (b) whether he knew of these decisions of the British War Office before it was publicly announced ; and
- (c) if so, whether any representations on behalf of India were made before the announcement ?

**Mr. C. M. G. Ogilvie :** (a), (b) and (c). I refer the Honourable Member to my speech of the 9th instant on Mr. S. Satyamurti's adjournment motion on the same subject.

**Mr. T. S. Avinashilingam Chettiar :** May I point out that these specific questions were never answered in the speech on the adjournment motions ?

**Mr. President** (The Honourable Sir Abdur Rahim) : I do not know. I cannot decide.

**Mr. C. M. G. Ogilvie :** They were all perfectly extractable from my speech.

**Mr. S. Satyamurti :** A specific question has been put in part (a) :

“ whether he was consulted before Mr. Hore-Belisha made his statement on the increase of pay and prospects of the British troops, which involved large financial commitments on the Indian exchequer.”

**Mr. C. M. G. Ogilvie :** I would refer the Honourable Member to the Hansard. I have forgotten the exact day on which Mr. Hore-Belisha made his announcement. From the Hansard my Honourable friend will clearly see what exactly has happened.



**Mr. S. Satyamurti :** I have read that Hansard. The only thing that Mr. Hore-Belisha said was that this increase involved the consent of the Indian Government. He did not answer this question whether the Government of India was consulted. This is the only place where we can get that answer. I want to know whether the Government of India were or were not consulted before Mr. Hore-Belisha made his proposal.

**Mr. C. M. G. Ogilvie :** That matter has already been dealt with several times. I would refer the Honourable Member to my answer to Mr. Abdul Qaiyum's short notice question on the 7th April, 1938, and the answer given by His Excellency the Commander-in-Chief on a similar question on April 4, 1938, in the other House.

**Mr. S. Satyamurti :** Cannot the Honourable Member say, yes or no instead of saying all these words ? Surely this is not the way of treating the House respectfully.

**Mr. President** (The Honourable Sir Abdur Rahim) : He says he answered that question when he gave the reply to the short notice question of Mr. Abdul Qaiyum.

**Mr. S. Satyamurti :** That is not the answer to the question—whether they were consulted or not ?

**Mr. President** (The Honourable Sir Abdur Rahim) : He says so.

**Mr. S. Satyamurti :** I deny it. I submit the Government are trying to evade the answer to this question. I submit that a simple question like this, whether the Government of India were consulted or not, should be answered. The Honourable Member cannot walk away by referring to all sorts of answers given previously.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is not the responsibility of the Chair to see that the Government answer a question in a way that will satisfy the questioner.

**Mr. S. Satyamurti :** Surely you have the right to see that answers given in the House are intelligent and intelligible. You have the inherent right to conduct the House in a sensible manner.

**Mr. President** (The Honourable Sir Abdur Rahim) : What does the Honourable Member mean by that ?

**Mr. S. Satyamurti :** It is not with reference to the Chair. I submit that the answers given by the Honourable Member for Government should be sensible to the Honourable Member on the non-official side who puts the question and to the House.

**Mr. Bhulabhai J. Desai :** Sir, I wish to make this submission to you, and it is a fair thing which we may expect from the  
12 Noon. Chair. Ordinarily I quite appreciate that if a question has been answered before it will be a proper and right thing to refer the questioner to that reply. But when the questioner states to you and to the House that the answer to that question does not contain the answer which is now demanded, either that answer must be read out so as to make it certain that his denial is wrong or an answer must be given. That is all that is asked for and certainly that is within your power.

**Mr. President** (The Honourable Sir Abdur Rahim) : As a matter of fact, the Honourable the questioner never asked him to read out that answer.

**Mr. S. Satyamurti** : It is a simple question as to whether they were consulted and the Honourable Member can say yes or no.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member says that he did give an answer. If the Honourable the questioner denies that he can ask that answer to be read out.

**Mr. S. Satyamurti** : May I ask the Defence Secretary to read out the answer that he referred to ?

**Mr. C. M. G. Ogilvie** : The answers given by me and by His Excellency the Commander-in-Chief are not with me now but I have here a copy of the speech I made on the 9th in which I said :

“ Mr. Satyamurti in the course of his speech admitted that the Secretary of State for War had realised the difficulties which were occasioned to him and to His Majesty's Government by the fact that a large part of the British army is stationed in India and he further recognised that India's financial resources were such as to be unable to bear large additional strains with equanimity.”

I think it follows from that, and I think it follows also from his speech, which I have not got here, that representations were made.

**Mr. S. Satyamurti** : Sir, he has read only a portion of the speech which gives no answer.

**Mr. President** (The Honourable Sir Abdur Rahim) : He said at the end that representations were made.

**Mr. S. Satyamurti** : That is not my point. My question is whether they were consulted before these increases in the pay and prospects. I want a specific answer to that specific question.

**Mr. President** (The Honourable Sir Abdur Rahim) : As a matter of fact he said that representations were made,—by the Government of India, I take it,—on the subject.

**Mr. S. Satyamurti** : They might have made them *suo moto*. The question is whether His Majesty's Government consulted them, and he has not read the answers to which he made reference. That is the whole point.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member had better put down another question.

**Mr. C. M. G. Ogilvie** : I am unable to quote the exact answer given by His Excellency the Commander-in-Chief as I have not got it with me. But I remember that he did expressly say that representations had been made by the Government of India to His Majesty's Government. I do not know what particular meaning the Honourable Member attaches to the word “ consult ” ; but if representations were made and considered before the announcements were actually made, I think he may draw his own conclusions.

**Mr. T. S. Avinashilingam Chettiar** : May I point out that the question is not about representations being made ? The question is whether they were consulted by Mr. Hore-Belisha.

**Mr. President** (The Honourable Sir Abdur Rahim) : He said that representations were actually made and he said that an inference may be drawn from that.

**Mr. T. S. Avinashilingam Chettiar** : That does not mean that they were consulted. Let him say yes or no. What he said does not convey anything.

**Mr. President** (The Honourable Sir Abdur Rahim) : He is not prepared to go any further.

**Mr. T. S. Avinashilingam Chettiar** : I am entitled to an answer to clauses (a) and (b).

**Mr. President** (The Honourable Sir Abdur Rahim) : I have given several rulings to this effect, that, as a matter of fact, the Chair is not the authority to judge whether a certain answer is satisfactory or not.

**Mr. Manu Subedar** : May I reiterate the request which I made to the Honourable Member to put those representations either before this House or before the Leaders of parties in this House ?

**Mr. C. M. G. Ogilvie** : I hardly think that arises.

**Mr. Manu Subedar** : The Honourable Member said that representations were made. I am asking whether Government have considered the question of disclosing those representations either to this House or to the Leaders of parties in this House.

**Mr. C. M. G. Ogilvie** : That does not arise.

**Mr. Manu Subedar** : Is the Defence Secretary aware that non-official Members of this House represent the Indian public ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That is an argument.

#### (b) WRITTEN ANSWERS.

#### NON-MAINTENANCE OF A HINDU CREMATION GROUND FOR SADDAR BAZAR LAHORE CANTONMENT.

492. **\*Sardar Mangal Singh** : (a) Will the Defence Secretary be pleased to state whether it is a fact that the Lahore Cantonment Board is not maintaining a Hindu cremation ground for the biggest civilian area of the Cantonment, namely, the Saddar Bazar ?

(b) Is it a fact that it is an obligatory duty of the Board to maintain a Hindu cremation ground ?

(c) Is it a fact that some four or five years ago the Board decided to have a cremation ground and applied to Government for grant of necessary land for the purpose ?

(d) At what stage do the negotiations for grant of land for this purpose stand at present, and what steps do Government propose to take in the matter ?

**Mr. C. M. G. Ogilvie** : (a), (b) and (c). Yes.

(d) Government have recently received from the local authorities a fresh proposal for the grant of a plot of land for use as a Hindu cremation ground, and the matter is under consideration.

#### INSTRUCTION REGARDING THE LEASES OF CANTONMENT LANDS.

493. **\*Sardar Mangal Singh** : (a) Will the Defence Secretary be pleased to state whether any instructions have recently been issued by the Defence Department regarding the leases of Cantonment land granted in the past under the Cantonment Code, 1899, Cantonment Code, 1912, and Cantonment Land Administration Rules, 1924 ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the circular in question on the table of this House ?

(c) Is it also a fact that Government want to increase the rent paid by the house-owners who hold leases under the old Cantonment Codes ? If so, why ?

**Mr. C. M. G. Ogilvie** : (a) Yes.

(b) No. The instructions are confidential and intended for the guidance of Army Commanders.

(c) No.

#### AGRICULTURAL AREA IN THE SAUGAR CANTONMENT.

494. **\*Sardar Mangal Singh** : Will the Defence Secretary be pleased to state :

(a) whether in Saugar Cantonment there is an agricultural area measuring about 1,683 acres, which is being auctioned every now and then to the highest bidder ;

(b) whether it is a fact that the tenants and the lessees of this area have been in possession of it for a very long time ;

(c) whether it is also a fact that these lands form part of villages included within the cantonment limits ;

(d) whether it is a fact that a committee of the Cantonment Board, appointed to consider this question, recommended that long leases of these plots must be given to the present holders ;

(e) whether it is also a fact that the Collector of Saugar recommended security tenure for cultivators ;

(f) whether it is a fact that, with every renewal of the lease, Government demand higher and higher rates from these cultivators ; and

(g) what steps Government propose to take to give the cultivators fixity of tenancy and freedom from enhancement of rent for a period of not less than thirty years ?

**Mr. C. M. G. Ogilvie :** (a), (b), (d), (e) and (g). Prior to the introduction of the Cantonment Land Administration Rules, 1925, agricultural leases in Saugor were leased out for short terms. The system of auction had, in practice, not been rigidly adhered to and in a great many cases lands had been leased to the same lessees.

There are approximately, 1,625 acres of agricultural land in Saugor out of which approximately 1,116 acres, in consequence of the procedure referred to above, had been held by individual lessees, their heirs or successors, for long periods.

The normal procedure for leasing agricultural lands under the Cantonment Land Administration Rules is by auction, but with a view to obviate hardship to the existing occupier the Government of India on the recommendation of the Cantonment Board and the Collector agreed in 1930, that leases should be granted by private treaty for periods of ten years in respect of unimproved lands and 15 years in respect of improved lands and on expiry the renewal of the lease should be by private treaty. 131 leases have been executed for periods of 10 and 15 years for 1,116 acres of land. The remaining agricultural lands are leased by the ordinary procedure of auction.

(c) Yes. They have been included in the cantonment for more than 50 years and were originally acquired on payment of compensation.

(f) No.

#### IMPORT DUTY ON RADIO SETS.

495. **\*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state whether the duty of 50 per cent. on the importation of radio sets is also applicable to parts of radio sets ?

(b) Have Government considered the possibility of radio sets being manufactured in India, by a reduction of duty on the parts and particularly on those parts, such as valves, in the manufacture of which in India at the present moment there are large difficulties ?

**Mr. A. H. Lloyd :** (a) Yes.

(b) No, Sir. A suggestion of this kind has reached Government but the case for it has not yet been developed by those advocating it.

#### PAMPHLETS RELATING TO THE ACTIVITIES OF THE COMMUNIST PARTY IN INDIA.

496. **\*Mr. Manu Subedar :** (a) Will the Honourable the Home Member please state whether Government's attention has been drawn to the *communiqué* issued by the Madras Government in the second week of August, with regard to pamphlets relating to the activities of the Communist Party of India advocating "class struggle" and bringing about a "national revolutionary strike" ?

(b) Has the attention of Government been drawn to the fact that amongst other things, these pamphlets advocate indiscipline of the military and armed forces, and that they also advocate the stoppage of communications and of essential services like the supply of water and power ?

(c) Have Government noticed further that, in order to achieve a "national revolutionary strike", the Communist Party of India advocates violence, including the seizure of armouries and police stations ?

(d) Have Government considered the desirability of counter-propaganda amongst those sections, who are approached by the communists ?

(e) Are Government prepared to give to this House, or, if necessary, to the leaders of the Parties a precise statement of what they are doing to counter such anti-social and subversive activities ?

**The Honourable Mr. R. M. Maxwell :** (a) to (c). I have seen the communiqué in the Press. It contains quotations of the kind mentioned by the Honourable Member.

(d) and (e). The combating of propaganda of this kind conducted in the Governors' Provinces is, since the introduction of provincial autonomy, primarily the concern of Provincial Governments.

As regards Chief Commissioners' Provinces, the Government are certainly alive to the danger, and regard it as their duty to prevent such propaganda in every manner possible.

#### COMPULSORY RETIREMENT OF GOVERNMENT SERVANTS AT THE AGE OF FIFTY.

497. **\*Mr. C. N. Muthuranga Mudaliar :** Will the Honourable the Finance Member please state :

(a) whether Government have under consideration the question of compulsory retirement of Government servants from service on their attaining 50 years of age, or on their completing 25 years of service and, if so, at what stage the question is ;

(b) whether it is a fact that, under the existing rules, a non-gazetted officer is permitted to retire voluntarily on full pension on completion of 25 years of active service on production of medical certificate ;

(c) the reasons why a medical certificate is insisted on ;

(d) whether Government propose to consider the desirability of permitting voluntary retirement on full pension on completion of 50 years of age, or 25 years of active service without medical certificate, and if not, why not ;

(e) whether he is aware that the Government of Bengal have issued orders for lowering the age of retirement to 25 years of service ; and

(f) if so, are Government prepared to consider the desirability of accepting this lead, in so far as their services are concerned ?

**The Honourable Sir James Grigg :** (a) No such question is under consideration.

(b) Yes.

(c) This class of officer is entitled to a pension after 25 years' service only if he is permanently incapacitated for public service, and the medical examination is for the purpose of testing whether this condition is fulfilled.

(d) No, not at present at any rate.

(e) The Central Government have no information on the subject.

(f) Does not arise.

#### COMMUTATION OF PENSIONS.

498. **\*Mr. C. N. Muthuranga Mudaliar :** Will the Honourable the Finance Member please state if it is a fact that Government have under consideration the question of amending the present practice of commutation of pensions? If so, in which directions and for what reasons?

**The Honourable Sir James Grigg :** Government have under consideration no proposal for amending the present practice of commutation of pensions.

#### SUBSTITUTION OF PROVIDENT FUND FOR PENSIONS.

499. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will the Honourable the Finance Member please state if it is a fact that Government have considered the question of substituting a system of Provident Fund for the system of pensions and decided that the change is not practicable? If so, what are the reasons for the decision?

(b) Have Government taken into account, in this connection, the potential huge savings to the State which are expected to accrue from the new scales of pay?

(c) Are Government aware of the widespread public feeling that the change is not effected for political reasons?

**The Honourable Sir James Grigg :** (a) Yes. The reasons are given in the Summary which was placed on the table on the 25th February, 1933, in reply to unstarred question No. 32, and to which I invited the attention of the Honourable Member on the 7th February, 1936, when replying to a similar question of his.

(b) As will be observed from the Summary mentioned above, it was not on the score of expense alone that Government decided to abandon the scheme for the substitution of a contributory provident fund for pensions.

(c) No.

#### FINANCIAL EFFECT OF THE RECOMMENDATIONS OF THE MAXWELL COMMITTEE.

500. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will the Honourable the Finance Member please state the total financial effect of the Maxwell Committee recommendations during 1938-39 and what it is expected to be during 1939-40?

(b) Has the acceptance of the Maxwell Committee recommendations involved any savings ? If so, what are they, and how are they expected to occur ?

**The Honourable Mr. R. M. Maxwell :** The Honourable Member is referred to the reply given to parts (a) to (c) of Mr. Satyamurti's starred question No. 346 on the 22nd August, 1938.

#### SOLDIERS IN THE INDIAN ARMY.

501. **\*Babu Kailash Behari Lal :** (a) Will the Defence Secretary be pleased to state the number of soldiers in the present Indian Army from each of the Provinces of India ?

(b) What is the number of Gurkha soldiers from Nepal ?

(c) What is the number of British soldiers in the Indian Army ?

**Mr. C. M. G. Ogilvie :** (a) The following number of men recruited from the various provinces in India were serving in the Indian Army on the 1st January, 1938 :

North-West Frontier Province	..	..	7,604
Punjab	..	..	83,460
Delhi	..	..	621
United Provinces	..	..	11,969
Rajputana and Central India	..	..	6,208
Bihar	..	..	211
Orissa	..	..	4
Assam	..	..	3
Bengal	..	..	10
Central Provinces	..	..	40
Bombay	..	..	4,986
Madras	..	..	4,545
Hyderabad (Deccan)	..	..	309
Sind	..	..	1
Baluchistan	..	..	56

(b) 18,601.

(c) The required information is contained in the quarterly "Return showing the actual strength of the Army and Royal Air Force in India", a copy of which is in the Library.

#### PUBLICITY IN INDIAN LANGUAGES AND FILLING UP OF THE POST OF ASSISTANT INFORMATION OFFICER.

502. **\*Mr. Satya Narayan Sinha :** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that none of the Information Officers has any practical experience of vernacular journalism ?



(b) Is it a fact that a fraction of the total expenditure of Information Bureau is spent on Indian language publicity ? If so, why ?

(c) Are Government aware that Provincial Governments are concentrating on the publicity of Indian languages, and do they propose to fill the post of Assistant Information Officer by a person who has a practical knowledge of the principal Indian languages and journalism ? If not, why not ?

**The Honourable Mr. R. M. Maxwell :** (a) It is a fact that none of the officers has been on the staff of a newspaper published in an Indian language.

(b) It is impossible to estimate the amount spent on publicity in Indian languages alone, because the Bureau supplies information to newspapers in all languages without discrimination.

(c) I have no particular knowledge of the policy followed by Provincial Governments. The post of Assistant Information Officer (which is being recruited through the Federal Public Service Commission) is open only to candidates with two years' experience of journalism. I doubt whether it would be possible to find a person so qualified who has a practical knowledge of all the principal Indian languages.

#### BUS SERVICE ON THE KEKRI-NASIRABAD ROAD IN AJMER-MERWARA.

503. **\*Mr. Satya Narayan Sinha :** (a) Will the Honourable the Home Member be pleased to state whether his attention has been drawn to the leading comment in the *Daily Arjun* of Delhi, dated the 7th July, 1938, in which it is observed—"The Ajmer-Merwara administration has given the monopoly of bus service on the Kekri-Nasirabad road to a contractor, with the result that the contractor is putting the public to much inconvenience" ?

(b) Has it been brought to the notice of Government that the contractor is charging exorbitant rates ?

(c) Have Government received any representation from the public on this point ?

(d) What steps, do Government propose to take to rectify the public grievances ? If none, why not ?

**The Honourable Mr. R. M. Maxwell :** The question should have been addressed to the Honourable the Communications Member.

#### HEADGEAR FOR INDIAN SOLDIERS.

504. **\*Mr. Satya Narayan Sinha :** (a) Has the attention of the Defence Secretary been drawn to the leading article in the *Hindī Milap* of Lahore, dated the 22nd July, 1938, in which it is said, "That the Defence authorities are seriously considering the question of headgear for the Indian soldiers" ?

(b) Has any decision been reached on this question and, if so, with what results ?

**Mr. C. M. G. Ogilvie :** (a) Yes.

(b) I refer the Honourable Member to my reply to part (a) of starred question No. 370 asked on the 22nd August, 1938.

#### ABOLITION OF THE USE OF THE WORD "VERNACULAR".

505. **\*Mr. Satya Narayan Sinha :** (a) Has the attention of the Home Member been drawn to the leading note published in the *Hindustan* of Delhi, dated the 3rd August, 1938, in which it is said " The Central Provinces Government have abolished the use of the word " vernacular " for it does not mean mother tongue of a country. The word vernacular means , the language of the slaves " ?

(b) Are Government prepared to abolish the use of this word in centrally administered areas ? If not, why not ?

**The Honourable Mr. R. M. Maxwell :** (a) I have seen the article.

(b) The question is under consideration.

#### PASSPORT FOR ONE MR. PRABODH CHANDRA.

506. **\*Mr. Abdul Qaiyum :** Will the Honourable the Home Member please state :

(a) whether his attention has been drawn to Mr. Prabodh Chandra's statement in the *Tribune* of Lahore, dated the 17th June, 1938 ;

(b) whether the said Mr. Prabodh Chandra had been elected as the sole delegate to the World Students Conference at Budapest and World Youth Congress at New York ;

(c) whether he applied to the Deputy Commissioner, Lahore, on the 26th April, 1938, for a passport ;

(d) whether he was told to come and inquire for the passport after about three weeks ; and

(e) whether the desired passport was given to Mr. Prabodh Chandra ; if not, the reasons why he was denied a passport ?

**The Honourable Mr. R. M. Maxwell :** (a) I have read the statement.

(b) I understand that he was elected by the Working Committee of the All-India Students Federation as their sole delegate to the World Students Conference at Budapest, and as one of their delegates to the World Youth Congress at New York.

(c) and (d). I am making enquiries and will lay a reply on the table of the House in due course.

(e) No : because in view of his record there was good reason to believe that his visit to the countries in question would be undesirable.

BOARD TO ADVISE THE GOVERNOR GENERAL WITH REGARD TO THE RECRUITMENT OF THE HIGHER STAFF TO THE SECRETARIAT.

507. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will the Honourable the Home Member state whether a Board of three members has been appointed by the Governor General to advise him with regard to the recruitment of the higher staff to the Secretariat ?

(b) Who are the members of the Board, and what are their functions and powers ?

(c) Will they be given any additional remuneration for this work ?

**The Honourable Mr. R. M. Maxwell** : (a) and (b). The Honourable Member is referred to the reply given to Mr. Satyamurti's starred question No. 475, this morning.

(c) No.

FAILURE OF BANKS.

507A. \***Sri K. B. Jinaraja Hegde** : (a) Will the Honourable the Finance Member be pleased to state how many banks with above Rs. 50,000 subscribed capital, registered in British India and Indian States, have failed since the year 1914 ?

(b) What are the main causes for such failures ?

(c) What steps have Government taken and contemplate taking to safeguard the interests of the constituents ?

(d) Do Government propose to remedy the defects of the present law as to banking with regard to banks registered in British India and those registered in Indian States and operating in British India ?

**The Honourable Sir James Grigg** : (a) Information is being collected and will be laid on the table.

(b) I cannot say without examining individual cases but I have no doubt that bad management was a very large factor.

(c) and (d). I refer the Honourable Member to the replies which I gave to question No. 359 asked by Mr. Manu Subedar on the 22nd instant and to certain short notice questions replied by me on the same date.

UNSTARRED QUESTION AND ANSWER.

ALLOTMENT OF QUARTERS TO THE STAFF IN THE ENGINEER-IN-CHIEF'S BRANCH.

14. **Pandit Shambhu Dayal Misra** : (a) Will the Defence Secretary please state if it is a fact that the Engineer-in-Chief's Branch has regularly forwarded, for the last three or four years, applications for Delhi quarters on behalf of certain individuals, in spite of the fact that these individuals did not actually move to Delhi during those years ?

(b) Is it a fact that some of these persons are actually allotted Government quarters and that their quarters are not surrendered till a few days before the move ?

(c) During the last three years, how many persons were allotted quarters but did not eventually move, and on which date was the Estate Officer informed that the individuals in question would not be moving to Delhi ?

(d) Is it a fact that the individual holding the post of Assistant-in-Charge of the Establishment Section has not moved to Delhi for the last four years ?

(e) Is it a fact that, in spite of this, his application for a quarter in Delhi has been forwarded every year ?

(f) Is it a fact that, in most of these years, the quarter has been allotted to him and accepted, but surrendered to Government somewhere near the date of the move ?

(g) Will the Defence Secretary please state whether the procedure adopted by this Branch does not affect adversely the interests of those who actually move down, and what steps he proposes to take to remedy this ?

**Mr. C. M. G. Ogilvie :** (a) Yes. Such cases have occurred.

Applications for quarters have to be submitted ten months in advance. It is therefore impossible to forecast with complete accuracy which personnel will have to go to Delhi and which will remain behind.

(b) No. All quarters were surrendered in good time.

(c) In 1935-36, seven persons allotted quarters did not move. The Estate Officer was informed of the surrender of those on 8th May 1935 and 13th August 1935.

In 1936-37, there were seven similar cases, intimation for the surrender of which was notified to the Estate Officer on 24th July 1936.

In 1937-38, there were four cases, the surrender of one was notified on the 26th July, 1937, two on the 2nd August, 1937, and one on the 16th August, 1937.

(d) and (e). Yes.

(f) No. Allotment of quarters was not accepted for 1934-35 and 1936-37. In 1937-38 no quarter was allotted to him. Consequently no one was adversely affected.

(g) No.

### THE MOTOR VEHICLES BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill.

**Mr. Nabi Baksh Illahi Baksh Bhutto** (Sind : Muhammadan Rural) : Sir, I understood from the Honourable the Railway Member that the present Bill was intended to co-ordinate rail and road services for the development of industry and agriculture. I see no such attempt in this Bill. I draw the attention of the House to the special case of Sind from which I come, and which is very backward in communications. Sind is an important province. If Bombay is the Gateway of India for sea-route

and Peshawar for military raids, then Sind can appropriately be a gateway of India for air services. All air services first greet India at Karachi. This province is now being developed rapidly on account of the Sukkur Barrage in which the Government of India has great financial interest. Unfortunately, the progress is slow on account of silt and defective distribution of water. I apprehend that the Provincial Government may not rise to the occasion and the Government of India should come to their assistance. The working of the barrage is as important, if not more, as its construction. This the Provincial Government does not realise. The Sukkur Barrage can also be used for communication and traffic by canal which should be co-ordinated with the traffic by rail and road. This is a subject in the concurrent list in Schedule VII of the Government of India Act, 1935.

I do hope that the Government of India would see that the canals in which we spent over 30 crores of rupees are being fully utilised for the development of the country. It is not the proper time for me to dilate upon this now, but in the Budget Session I will draw the attention of the House to the negligence, lethargy and inefficiency of the engineers who are responsible for this. In the province of Sind there are some places which are not connected by rail or road traffic. We need very badly the extension of branch lines and also construction of new roads. Unfortunately, one is under the Provincial Government and the other is under the Government of India, and there exists no machinery which brings them together. I draw attention to the development of the area between Larkana-Dodapur and Jacobabad, in which we have at present a small gauge feeder line and it needs further extension and not annihilation. It is not the proper time for me to urge the policy of the Railway Board with regard to the construction of branch lines which has been unfair. They are constructing unremunerative lines in Southern India but this is not the issue today. The point which I emphasise is this, that motor communication is as important as railways and we should encourage both. We find that the Bill will annihilate the road traffic. The conditions imposed in this Bill in Chapters 4, 8 and 9 are so stringent that few persons will come forward to undertake the risk. The roads are entirely under the thumb of the police and the Railways keep the police under their thumbs. The police will prosecute the motor drivers for carrying more persons but I have not heard of any trial of the railway servant for over-crowding the compartments. The motors are required to be insured against fire and all other risks including the third party, but no insurance is expected from the railways. The Government charges ten annas per gallon for the fuel of motor, *i.e.*, petrol, but no charge is levied on the fuel of the railway engines, *i.e.*, coal. The road transport is handicapped by (1) excessive customs duty, (2) bad roads which in some cases cannot be called roads, and (3) excessive provincial taxes for the registration. Now, fourthly, there is the excessive and unnecessary burden of insurance, and above all motors pay for all damages and none pays to the motor owners for damages done to them on account of bad roads. In my opinion the whole of the Bill can be simplified into three clauses, *viz.*, Licenses to motor drivers, control of speed, and the registration of cars. All other things are unnecessary and annoying. The duty on the petrol and on the cars should be used for the repairs and maintenance of roads. The interest of railways has been safeguarded and the interests of big motor business

[Mr. Nabi Baksh Illahi Baksh Bhutto.]

have also been safeguarded, but we have overlooked the interests of the small investors, *i.e.*, persons who keep one or two lorries and drive them themselves. These lorries bring passengers and luggage to railways from country places. They are useful and they should not be allowed to disappear.

**Dr. R. D. Dalal** (Nominated Non-Official) : Mr. President in supporting the motion to take into consideration the Bill to consolidate and amend the law relating to motor vehicles as reported by the Select Committee, I propose, with your permission, to refer to a few salient features and general considerations of the Bill. The Motor Vehicles Bill has on the whole been received very favourably by the public. That it should immediately commend itself to those interests which would be adversely affected was hardly to be expected ; but no solid reasons have been put forward impugning the general fairness of the Bill. The appalling toll of road accidents is an eloquent testimony to the vital need for the enforcement of precautions. No person in charge of a motor car on a public highway should by reason of defects of physique, or of discretion, or of competency be a danger to other users of the public road. The great merit of this Bill is that it has grappled firmly with the task of regulating road motor transport, while at the same time imposing as few vexatious restrictions as possible. The main object of the Bill is to hold the balance even, as far as possible, between the two great competing methods of transport, namely, road and railway. The railways from the very earliest times are subjected to stringent forms of control, and it is manifestly absurd that their road competitors should be allowed to remain a menace to the public safety. With the construction of railways a new era of transport came into being in India in 1853, which revolutionised the economic, social, and educational life of the country ; and road motor transport, which has been in general use in India for the last thirty years, is also destined, by reason of its flexibility, economy, and the facilities it offers, to play in the future an important role in revolutionising the development of the country.

The public have been led to believe that there exists proof unassailable of the cause of road fatalities. But this is not so. Some people assert that the cause of road accidents is speed. Some say it is the motorists' moral turpitude. Some say it is the absence of footpaths and cycle-ways. Some blame the inconsequent acts of pedestrians. Some people say that moving particles in a confined space will collide unless they are all restrained in accordance with some orderly scheme. Some blame the leniency of magistrates ; some say it is defects in the vital parts of the machines. There are also those who ascribe it to goods going by road which they would like to see going by rail. Some ascribe it to the inadequacy of the police force to cope with traffic offences. Lastly, there are full plenty who declare all these causes to be operative together. So it is imperative to find the relative significance of these possible causes by means of a scientific research committee on " road traffic control " with reference to the safety and economic welfare of the country. Sir, control over the soundings of the horn will greatly help to minimise the number of road accidents. There is no doubt that if prohibition upon hooting does result in slower speeds, it will result in fewer accidents ; and it will also

reduce the noise. No one except a lunatic can maintain that it is not dangerous to drive at a rate exceeding that of an express train in a public thoroughfare. The point made in defence of the motorist that speed is no element of danger is that a man may drive dangerously at ten miles an hour. This is too true ; but the same man could be ten times as dangerous if he drove at 100 miles an hour. No pedestrian should forget for a moment that whether the motorist is careful and considerate or not, the man on foot is the under-dog, and must, in all circumstances, think of himself and safety first. Nowadays careful walking has become as obligatory as careful driving. If the pedestrian suddenly changes his mind, or dreams, or acts eccentrically, the driver cannot always pull up in time. This question rests upon certain physiological facts. A motor vehicle travelling at 30 miles an hour moves forward 44 feet in a second. When confronted with an emergency, the eye is the first organ to receive the impression. That impression goes at once to an appropriate centre in the brain. That centre sends out an order to certain groups of muscles, which then act by steering or braking. In every case an appreciable time is required—on an average about a second. It follows that in the average sudden emergency about a second is required before the driver can begin to stop his car, and at 30 miles an hour he requires 44 feet *plus* with the best brakes another 20 feet to stop the car. Sir, as a motorist of some experience, I think a road should be not more than 16 ft. wide or not less than 24 ft. wide. But a road is generally 20 ft. wide. It is a bad width, and is the cause of an appreciable number of road accidents. It is wider than is necessary for two lines of traffic and not safe for three. It tempts the speeding driver to pass slower moving vehicles in face of oncoming traffic with occasionally disastrous results.

Sir, sub-clause (1) of clause 64 of the Bill permits the driver of a heavy goods motor vehicle to drive in a day for two continuous periods of  $5\frac{1}{2}$  hours each, provided he has an interval of half an hour for rest and refreshment. I submit that the continuous period is too long, and the interval too short. The control of a cumbrous heavily-laden goods motor vehicle is a great strain on the driver, and  $5\frac{1}{2}$  hours of it at a stretch is too much. I believe that a material portion of road accidents is due to the driver being tired, perhaps sleepy, at least not fully alert. The interval of half an hour may suffice for refreshment, but not for rest. I think two continuous periods of four hours each, with one hour's interval, or 48 hours in the week might save many lives.

Sir, the part which alcohol plays in any particular accident may be difficult to assess, but there is no doubt as to the deleterious influence of alcohol as an accessory in these cases. The most important action of alcohol on an average healthy human individual is upon attention. The mental faculty is diminished by alcohol even in relatively small doses. Alcohol in any dose is the reverse of helpful. So, Sir, it is desirable to educate the motor driving public to the danger of taking alcohol before driving, leading as it does to diminished efficiency in dealing with emergencies. I would suggest that a short memorandum on "alcohol before driving" should be given out with each driving license.

Sir, the only remedy for dangerous driving is sharp punishment. Besides imprisonment or fine, and the suspension of the license, I would suggest that it ought to be possible to inflict upon the offender—male or

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female,—a compulsory series of lessons in driving given by an instructor in uniform and in a car so designed and painted that every user of the road would recognise it as one in which a fool was being taught the rudiments of driving. Punishment can do much, but what is required is education. The average intelligence in India is not high enough to be entrusted with so dangerous a lethal weapon as a motor car or a motor bicycle ; and only a rigorous training can bring most people up to the lowest necessary level of alertness, caution, and prompt action. Prevention is better than cure and better than punishment. Better than legislation would be to avoid accidents themselves. The Central and Provincial Governments should initiate a great intensive propaganda on road safety. What is required is increased road sense—more education of drivers, of the general public, and of the youth and children of the community with respect to the elementary rules of the road and the practices governing its safe use. The propaganda requires the enlistment of the press, the school, the cinema, the radio and every other useful means and agency to bring the subject before the public ; and anything that will tend to reduce the appalling number of road accidents due to careless and reckless driving is a step in the right direction.

Sir, the toll of road accidents is steadily rising. Compulsory motor insurance against third party risks is bound to reduce this toll. The certificate of insurance should be carried by the motorist, and produced on application by a police constable ; and until Chapter VIII—compulsory motor insurance against third party risks—comes into force, the motorist should give security that he is able to meet the liability for any personal injury that he may cause to innocent third parties. Then only the necessary license should be issued. Although India has got the smallest number of motor vehicles in the world, so far as accidents are concerned, this country takes a high place as compared with other countries. The incidence of motor accidents in India is far in excess of that in any other country in the world. In India the rate of deaths per motor vehicle is the appalling figure—93 per ten thousand as compared with 59·4 in Italy, 30·6 in Great Britain and 7·4 in New Zealand....

**An Honourable Member :** What was the number of total deaths ?

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The rate of deaths due to other causes is also very high.

**Dr. R. D. Dalal :** This calls for drastic and expeditious legislative and administrative action ; and I am strongly of the opinion that Chapter VIII—compulsory motor insurance against third party risks—should come into operation at once, and should not be postponed until the expiry of five years from the commencement of the Act.

Sir, in connection with Chapter VIII—compulsory motor insurance against third party risks,—I would like to bring to the notice of this Honourable House one important point. It is this. However reckless or criminal a motorist might be, his insurance policy covers all his personal loss as well as that of third party. What obtains at present is that the motorist gets repairs to his car—perhaps a new car, and all his expenses paid by his insurance company, with the sole exception of any fine that



might be imposed by the Court. Sir, I submit that motorists would instinctively become more careful if they knew that the law would prevent their recovering on their policy in the event of their conviction for a serious driving offence—man-slaughter, dangerous driving, or driving under the influence of alcohol. Of course there should be no interference at all with third party liability. Sir, in view of the disastrous accidents on the Railways, I would urge the need for inaugurating an insurance scheme for accidents to Railway passengers. There is one point which raises a public issue of very great importance. It is this, that the hospitals should be given a statutory right to recover their expenses incurred in the treatment of motor accident cases. This liability is a great strain on the hospitals whose finances are seriously burdened, and.....

**Mr. Badri Dutt Pande :** What about Railways ?

**Dr. R. D. Dalal :** (I have already said about Railways.)..... whose powers of service to the community owing to the occupation of their beds are very much impaired. The most sensible method of meeting this emergency would be to provide for it under compulsory third party insurance, which should be extended to cover payment by the insurer to the hospital for maintenance and treatment.

The proposals in this Bill for the regulation of road motor transport are designed to effect the smallest Government interference with legitimate competition between road and rail. The proposals deal with only such forms of competition as can definitely be called unfair. So, this Bill has laid well and truly the foundation for a proper co-ordination of the road and railway services, and a new era of collaboration between the two former rivals has become possible. Sir, in almost every country in the world with the notable exception of India, Governments have found it necessary to restrict by various means the operation of road passenger services, and to apply similar measures to the road goods services as well. The restrictions imposed are—the deliberate limitation of road facilities, with the object of preventing the loss of traffic to the railways, whether in Government or private hands. In Switzerland and Belgium the road concerns are forced to hand over a part of their earnings to the railways. In Germany a severe licensing system is combined with a strict control of rates and fares. In South Africa, New Zealand, and Australia an attempt has been made to prohibit entirely competition between road and rail. It would appear that India has been one of the last countries to wake up to the necessity of preventing this destructive competition between road and rail. With the experience of so many other countries to guide us, the Government of India have an admirable opportunity of evolving a really scientific policy of correlation between road and rail.

Sir, the chief cause of the alarming decline in railway revenue has been the unfortunate combination of industrial depression of unparalleled severity and the steadily increasing acute competition of roads. The main reason why the railways have found it difficult to meet road competition lies in the fact that the railways are compelled by law to carry all the traffic that is offered them, and in order to do so, they are obliged to maintain a very elaborate and expensive permanent way, whereas their rivals—the road haulers are free to pick and choose the more remunerative kind of traffic and to leave the rest to be carried by the railways as best they can. The result is a very uneconomical form of competition, which, if permitted

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to continue unchecked, must quickly destroy the whole freight rate structure of the railways,—an event which would entail serious consequences to the industries of the country. If the railways are deprived of their more remunerative traffic by the competition of the roads, their only method of covering their expenses will be to charge higher rates on their remaining traffic, which would be especially injurious to the basic industries. Viewed in this light, competition between road and rail is most irrational and destructive. The cheapness of long distance road motor haulage is entirely conditioned by the fact that the railways must continue to carry the bulk of the heavy traffic. Therefore, the road, in spite of the changed conditions brought about by the petrol engine, is essentially auxilliary to the railways. Once it is admitted that the railways are a national necessity and that the more fully they are employed the cheaper their operative costs, it becomes self-evident that to permit traffic to be diverted from the railways at haphazard is a mistaken policy. Moreover, taken as a whole, the railway is the cheapest and quickest way of transporting merchandise over long distances and is the only practicable form of conveyance for heavier types of commodities. The proper function of road transport is local collection and distribution, though the area of its economic operation to which the term “local” can be applied has been enormously enlarged by the invention of the petrol engine. For shorter distances, owing to the convenience of door to door service the road motor vehicle is the cheapest and most convenient form of transport both for passengers and for all except heavier types of merchandise. But for long distances, the railway is in every respect the most preferable form of transport, because the attempt to convey heavy traffic at high speed over the roads, besides being more expensive when the full cost including the cost of life and limb and the expenses entailed by the wear and tear of the roads is taken into account, must in the end defeat itself. Therefore, what is needed is a properly co-ordinated system of transportation, which will afford the cheapest and most convenient facilities for the community as a whole. Sir, the reasons which have led traders to divert their traffic to the road are convenience and cheapness. The goods motor vehicle gives a door to door service. It can be directly controlled as to time, because the goods motor vehicle can start at any hour of the day or night when the load is ready, and need not obey any scheduled time-table like a goods train. Moreover, the price charged on the road is considerably less than the charges made by the railways—a consideration which is the decisive factor. Sir, it is essential that road and rail should be placed on a basis of fiscal equality. That would entail a considerable increase in the scale of motor license duties, and it would also increase very heavily the taxation of the goods motor vehicle, which is responsible for by far the greater part of the wear and tear of the roads. The imposition of heavier taxation on the goods motor vehicle is of necessity a painful process, but the commercial user of the road must pay his share of the cost of constructing and maintaining his permanent way. Private carriers or ancillary motor users should be prohibited from carrying any but their own goods. That would give the public carrier a field free from unfair competition. A certain amount of traffic off the roads should be driven back to the railways. This is eminently desirable in the public interest, and it will leave the way clear for the constructive task of co-operation between road and rail. To eliminate competition altogether and to restore to the railways the monopoly they previously enjoyed would

neither be possible nor desirable ; but legislative action is undoubtedly necessary to protect the whole freight-rate structure of the railways from collapsing. Once such protection has been granted, the railways will be able to press forward towards the desired goal of cheaper and quicker transport both for passengers and goods. Sir nowadays tramways are obsolescent, and because of the unnecessary congestion and danger of which they are the cause, all existing tramways should be gradually abandoned, and no fresh lines should be constructed. To meet the changed conditions, to meet the new conditions the railways should attempt to evolve a new type of co-ordination between road and rail. Experiments should be made with special kinds of vehicles. For example, a rail motor car, which is capable of running along the railway as well as the road. On the freight side also the railways should attempt to meet road competition by organising a very effective system of collection and distribution in their own goods motor vehicles.

Now, Sir, I shall bring my remarks to a close. Sir, in a properly co-ordinated system, road transport will be complementary to, and not competitive with, the railways. Competition should become co-operation. Every effort should be made to work steadily towards that goal ; and if necessary, the railways should buy the interests of motor bus companies. Train and motor bus organisations should thoughtfully interlock their time-tables, and should co-operate in ensuring speedier transit. The traveller should be able to change from road to rail, or from rail to road. The public would thus enjoy the blessings of co-ordination. For example, the Madras and Southern Mahratta Railway would earn fame and admiration by establishing a motor bus service at Belgaum, Hubli, or Shimoga, and by its slogan of " See Gersoppa Falls of world-wide fame ". Today, more than ever before, time is money. So, I would emphasize that it is only by giving faster, cheaper, more punctual, and more attractive service that the railways will be able to hold their own and to maintain their position in the face of road competition.

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadan Urban) : When during the Delhi Session of the Legislative Assembly the motion was moved by my Honourable friend, Mr. Clow, to refer the Motor Vehicles Bill to a Select Committee, I took the opportunity to point out some of the more serious defects in the Bill. I am happy to be able to say that since then the Select Committee has gone into the matter and has removed many of those defects and has improved the Bill to a very considerable extent. But there still exist several important defects in the Bill, and it should be our duty to remove them during this Session of the Assembly. Our attitude towards this Bill should be one of constructive and helpful criticism and not of opposition or obstruction.

It is admitted on all hands that regulation and control of motor transport is desirable, nay, it is necessary, in view of the large number of accidents which occur in India every year. But there is difference of opinion as to the manner, the measure, and the purpose of this control. Taking the last point first, I find that in the Statement of Objects and Reasons appended to the Bill it is laid down that safety and convenience are to form the purpose of this Bill. As regards the measure of control it should be just as much as is necessary in achieving this purpose, and no more. With regard to the manner in which the control is to be exercised, the Select Com-

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mittee have now laid down that Provincial Governments should be responsible for carrying out the objects of this Bill. I agree with the view that the Provincial Governments, who are in touch with the people, are in a better position to understand and appreciate the difficulties of the people than the Central Government would be. I am glad that rule-making powers have been given to the Provincial Governments. But I am sorry to find that too much power has been entrusted to Provincial Governments, and it is a pity that in some respects the proposals of the Select Committee are of a reactionary character. The changes made in clauses 26 and 34 of the Bill are instances in point.

But the most reactionary of all the proposals made in the Bill are those which are contained in clause 42. In this clause, several considerations are mentioned which are to guide the regulation and control of motor transport. These considerations are not to be found in the Statement of Objects and Reasons appended to the original Bill. They are, in fact, additional objects and reasons, and as such they are entirely out of place. What are these three considerations? They are, first, the desirability of the development of motor transport, secondly, the desirability of preventing loss from occurring in railway earnings which are a part of the national assets of the country, and, thirdly, the desirability of preventing the deterioration of the road system. However desirable these objects may be, I say that they have no place in this Bill. As regards the third of these considerations, we all know that in every province considerable revenue is derived from the duty on petrol. There are also forms of provincial taxation of motor transport. If the road system in a province tends to deteriorate, the Provincial Governments may take further steps in the matter of taxation of motor transport with a view to preventing such deterioration.

**Mr. K. Santhanam :** Petrol duty is Central not Provincial.

**Dr. P. N. Banerjea :** The provinces get shares of the Central petrol duty. They have separate taxation of the motor transport system and this taxation, if necessary, may be carried further.

Sir, as regards the second consideration, I would refer this House to a question which was asked by my Honourable friend, Mr. Brojendra Narayan Chaudhury, a few days and to the answer given by the Honourable Mr. Clow. Mr. Chaudhury asked : "Is it a fact that one of the main objects of the motor vehicles legislation now before the Assembly is to prevent the Railways' loss by bus traffic?" The answer to that was : "I should not accept this as an accurate statement of the position. I would refer the Honourable Member to the Statement of Objects and Reasons appended to the Bill." Now, that is exactly my point. You cannot go beyond the Statement of Objects and Reasons appended to the Bill. The Select Committee has added a number of other objects and reasons and these seem to be out of order. I wish the Chairman of the Select Committee had ruled them out, and I hope the President or Chairman of the meeting will consider this question at a later stage. But so far as I am concerned at the present moment.....

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Your Leader was the Chairman of the Committee.

**Dr. P. N. Banerjea** : That does not matter. Whoever might have been the Chairman, I am entitled to say that he did not give a correct ruling or did not consider the matter

Sir, I will refer for the present to the mischievous consequences that are likely to arise from the insertion of this addition to the Statement of Objects and Reasons.

Sir, it has been said, and this was affirmed by the Honourable Mr. Clow the other day, that when the Bill was originally introduced, a great deal of suspicion existed with regard to the objects of the Bill and the insertion of the considerations alluded to by me has confirmed this suspicion. People now say, " It is absolutely clear what the real intentions behind the provisions of the Bill are ". The Honourable Mr. Clow is of a different opinion and even yesterday in his speech he said that these are not the intentions behind the provisions of the Bill. If he is in earnest, I hope he will agree to the deletion of the entire clause 42.

Now what are the powers given by this clause to the executive Government ? The executive Government has been given the power to prohibit or restrict the carrying of long-distance goods traffic and secondly, to fix maximum or minimum fares and freights. Now these are dangerous powers which may be used for the purpose of stifling legitimate competition between rail and road. Sir, it may be argued that a large amount of national capital has been invested in the railway system of the country and, therefore, it is necessary to protect this capital. Now, when this is said it becomes evident that the Government is not a disinterested party. But because Government is an interested party, is it right for the State to deal unfairly towards its subjects ? I say it is not. We are trying to establish a democratic form of government in this country, and should we not adopt a policy of justice and fair play in all our relations between the rulers and the ruled ? Sir, to my mind the State has no right to deal unjustly towards its subjects.

Further, is it really impossible to solve this problem without having resort to unfair means ? I do not think so. This road-rail problem has arisen in many other countries, and how has this problem been solved there ? In England several committees were appointed during the last ten years, but is anything like these proposals to be found in any of the reports of these committees, and is any provision to be found in the Act which was passed six or seven years ago by the Government of the United Kingdom ? No. How, then, did they try to solve the problem ? Sir, the Railways did not depend on Government either directly or indirectly for giving them any undue advantage in the matter of rail-road transport, but they introduced various improvements in the machinery and in the working system by which they have been able to compete on fair and equitable terms with road transport. Similarly, in the United States of America, what did the railways do ? They tried to improve the efficiency of the railway system, to reduce fares and freights, and to afford greater facilities both for passenger and goods traffic. Other countries have also followed the lead of these countries, and in no country has it been found necessary for Government to stifle legitimate competition. Sir, the problem is not insoluble in India without resort to unfair means. Let

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the Railways provide better accommodation for passengers, let them provide better facilities for the conveyance of goods, let them mete out better treatment to their clientele, let them improve their machinery and administration, let them try to prevent accidents which so frequently occur in this country, and let them follow the policy of economy and retrenchment by reducing the salaries of high-paid officials and abolishing unnecessary posts. By these and other means the Railways will be placed in such a position that they will be able to compete on fair terms with road transport.

Sir, it may be said that the power of control has been given to the Provincial Governments which are responsible to the people. My answer to this is two-fold. In the first place, the Provincial Governments as they exist at the present moment are not responsible to the people in the fullest sense of the term.

**An Honourable Member :** They are, comparatively speaking.

**Dr. P. N. Banerjea :** They are not responsible in the real sense of the term. Besides, they are not a disinterested party. Under the award of Sir Otto Niemeyer the provinces will get a share of income-tax revenue as soon as the railway revenue improves. Well, if they are not a disinterested party, they cannot deal justly with this question. Sir, I may be told further that in several provinces it is the Congress which rules. Yes, I know that in seven provinces of India there are Congress Governments. I am glad to be able to say that the Congress Ministers in these provinces have put energy and enthusiasm in their work which was not to be found in the provincial administration for many years past. I am also glad to be able to say that, on the whole, these Congress Ministers have done very good work. But even Congress Ministers are not infallible. And who knows how long these Congress Ministers will continue in office ? Circumstances may arise when it will be necessary for the Congress Ministers to vacate their office and give place to other Ministers. We should also remember that there are other provinces which are not in that favourable position. In those provinces it cannot be said that a great improvement has taken place in the administrative system. Therefore, when we speak of the Provincial Governments, we should not think only of the Congress Governments but should take into account also the non-Congress Governments. Sir, I am not one of those who will entrust very large powers to the executive, because the experience of mankind is that, whenever excessive power is entrusted to a Government, there is the likelihood of abuse taking place. We should, therefore, be very reluctant to entrust large powers to the executive in this connection.

A few other points should be considered in this connection, one of which is very important. The restrictions on private carriers seem to be very stringent. Although it is true that some relaxation of these restrictions has been made by the Select Committee, still the restrictions which exist at present are unnecessarily stringent ; and unless these are substantially modified, the trade and industry of the country—and not merely motor transport—will greatly suffer.

I should like to say a word about the constitution of the provincial and general transport authorities. The Select Committee decided, I think rightly, to debar the presence on these bodies of persons having any

financial interests either as owners or as financiers or as employees in these concerns, but, then, the effect of this provision will be to exclude expert advice. I would, therefore, suggest that an Advisory Board consisting of experts and others should be constituted in every province in order that the decisions of the provincial and regional authorities may be properly arrived at.

There is another matter which should engage our attention, and that is the insurance of motor vehicles. In fact, this is one of the most important problems which we have to face in connection with this Bill. Sir, insurance has now come to be regarded as one of the essential features of modern civilization. Now, two categories of insurance have existed in different countries. One is the comprehensive system of insurance and the other is the insurance against third party risks. This latter category of insurance is to be found in several countries, such as, Great Britain, some States of the United States of America, Sweden, New Zealand, the Irish Free State and Czechoslovakia. Now, are we or are we not to adopt this system of insurance? That is the question. I have already alluded to the accidents which occur every year in India. As a matter of fact, the incidence of accidents in India per motor vehicle is the highest in the world. In view of this fact it is eminently desirable that a system of compulsory insurance should be adopted in this country. But the question is, what will be the burden on the owners of motor cars and motor vehicles and on the passengers? It has been calculated in the Report of the Motor Insurance Committee that the burden is not likely to be very great. I agree with the view that the ultimate burden will not be very great. But there is an initial and immediate burden. The premium has to be paid at the time the policy is effected and we should consider whether at that time the owner or the person in charge of the car or the transport vehicle is in a position to bear this burden. If we take a long view of things, we become convinced that this burden can be borne, and I think that it should be borne. But we cannot forget the fact that the people in India are poor and they are not familiar with the idea of insurance. Therefore, some time will have to be given to the owners, the financiers and others concerned in motor transport to adjust their finances. Then, there is a further reason why there should be some delay in giving effect to this provision. The Motor Vehicle Insurance Committee rightly point out that the payment of monetary compensation will not by itself reduce the number of accidents. Other steps will have to be taken by the Government in order that the number of accidents may be reduced and in order that the scheme of insurance may be made successful. The Committee say: "If this is not done, there is a fear that the scheme of compulsory insurance will break down owing to the high premium that will be necessary to cover the cost". Therefore, Sir, I submit that some time should be given in order that all these steps may be taken. In the original Bill it was suggested that five years constituted sufficient time. I think that is a reasonable period during which all the steps may be taken and financial adjustments may be made. In the Select Committee's Report we find that power has been given to Provincial Governments to decide as to the time of enforcement of this part of the Bill. Looked at from one point of view, this is quite right because the Provincial Governments know the circumstances of the people in their respective areas. But then there is this difficulty. Unless uniformity is secured the scheme of insurance will not be quite successful or effective.

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Sir, several questions connected with this matter of compulsory insurance are worthy of being considered. The first is the question of State *versus* Company insurance. Opinions, as we know, differ on this question. There are merits and demerits in both the systems. If at the present moment a National State had been in existence in India, I would probably have voted for a system of State insurance, but, unfortunately, that is not the position. I would, therefore, prefer a system of insurance by companies. But I would strongly insist that these insurance companies should be registered in India, their capital should be rupee capital and their Board of Directors should consist at least of a majority of Indians, if they do not consist entirely of Indians.

Sir, there are a few suggestions which I should like to make in regard to the question of insurance.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Dr. P. N. Banerjea :** Sir, when the House rose for Lunch, I was urging that a system of compulsory insurance should be effected only with Indian companies and not with foreign companies. Sir, when insurance is optional every person has the right to insure with any company he likes. But when we introduce a system of compulsory insurance we should see to it that the benefit derived from this insurance business should go to the people of the country. In connection with this insurance business I should like to make a few suggestions. My first suggestion is, that the amount of liability incurred in respect of any one accident should be limited to a lower figure than Rs. 20,000. My object in making this suggestion is to lessen to some extent the initial burden on carriers of goods. The second suggestion which I wish to make is with regard to co-operative insurance. I suggest that the amount of deposit which is required of co-operative insurers should be reduced from Rs. 25,000 to Rs. 15,000. Co-operative insurance is a form of insurance which should be encouraged by Government as well as by the people of the country ; and it is in this view that I make this suggestion. I may recall the fact that when last year we debated the Insurance Bill I put forward certain amendments with regard to co-operative insurance, and those amendments were accepted by the House. In order to foster co-operative insurance we should see that the initial deposit which is required should not be very heavy. My third suggestion is, that a machinery should be provided for a prompt settlement of insurance claims. The bulk of the people of India are poor and ignorant, and those persons who will be affected by accidents will find it very difficult to go through the ordinary procedure of the law courts or the insurance companies. Therefore, it is desirable that the State should establish a machinery which will see that the affected parties get compensation without much delay and without any harassment.

Sir, whether this measure which we are going to pass will prove beneficial or otherwise will depend to a very large extent upon the manner in



which the provisions of the Bill are carried out by the Provincial Governments and the authorities working under them. Allow me to express the hope that all bodies and persons entrusted with the task of administering this Act will do their work efficiently and conscientiously. But before we ask others to do their duty we ourselves should do our duty. Let justice and fair-play for all be our motto, and let not any policy of expediency make us deviate from the right path.

**Mr. R. M. Chatterjee** (Government of India : Nominated Official) : Sir, I shall speak only a few words on the compulsory insurance of motor vehicles. All of you, I believe, have read the report of the Motor Vehicles Insurance Committee on which I had the honour to serve. You had also the opportunity of hearing the Honourable Members when the Bill was sent to the Select Committee. The question of compulsory insurance had been fully discussed in this House. I have only a few remarks to make. The importance and utility of having compulsory insurance in our country cannot be over-emphasized. I shall only make an effort to meet the criticisms that are made against this most salutary provision of this Bill. In my opinion none of these objections is serious and I find no difficulty in meeting them.

There can be little doubt that the existence of compulsory insurance will become rapidly known and genuine claims will arise with much greater frequency. No doubt accidents are inevitable in every sphere of life and the responsibility for providing safeguards against them rests with the individual who suffers from them. Nobody has ever suggested that a person should receive compensation for an accident due to his own carelessness or where there is contributory negligence on his part. Although adjudication by the civil courts is inevitable in a number of cases, it is probable that competition among insurance companies will lead to more satisfactory results from the point of view of an unfortunate victim, if compulsory insurance is introduced. A good company, to preserve its reputation, will not like to drag every matter to court. So far as I know, insurance companies in India do not very much favour compulsory insurance as they fear that claims will increase and awards by civil courts become unduly inflated. If these fears are justified it will apply to all companies but more to those that accept the bad risks and the remedy is to increase premiums all round and reject the bad risks.

The most important point for advocating the cause of compulsory insurance is that it is somewhat appalling to read that the death rate from motor vehicle accidents in India is twice as high as that in any other country. I believe, Sir, you have seen the table printed on page 15 of the Report of the Motor Vehicles Insurance Committee. The chart, in the opinion of the Committee, states in graphic form the most important argument for the introduction of compulsory insurance in India. In my opinion, Sir, this measure far from being premature has long been overdue. I fail to understand why there should be any delay in introducing this very important measure in India. The enormous number of accidents in India seems to constitute a slur upon India herself.

Chapter VIII of the Bill attempts to introduce into our law a system of compulsory insurance against third party risks. It may well be said

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that this Chapter does not revolutionise the law of insurance. It will not compel insurers to guarantee in every case payment of compensation to a third party who suffers injury from the use on the road of a vehicle driven or employed by the assured. What the Bill does is to make it an offence to use a vehicle on a road unless there is in existence and effective during such use a policy of third party insurance which fulfils the requirements of clause 95 of the Bill. Clause 96 of the Bill provides that when a third party has got judgment against an assured in respect of such a liability as the Bill requires motorists to cover by insurance the injured third party may claim the amount of his judgment from the insurer who may have avoided or cancelled the policy or may be entitled to do so. Later on the Bill provides that in case of insolvency of the assured his rights against the insurer will be transferred to and vest in the injured third party who will get a preferential claim against the policy money.

I think we should bring Chapter VIII into operation throughout British India as early as possible. In this connection may I, Sir, draw the attention of the House to a very serious defect in sub-clause (3) of clause 1 of the Bill. Here there is an attempt to regulate the relationship between the provincial executive and the provincial legislature by a piece of central legislation. We cannot lay down a constitution for the provinces. I am afraid the constitution does not allow us to do this. But I leave this matter to be fully discussed by the Honourable the Law Member in this House. I will only refer in passing to the various complications that will arise if the majority of the provinces give effect to the provisions relating to compulsory insurance from the very day the Act comes into operation. Considerable hardship will be caused to those provinces which do not accept Chapter VIII because the Act will be autonomically enforced upon most unwilling and unprepared provinces. I would, therefore, ask you, Sir, to consider that position very seriously and for the sake of uniformity I would ask the House to empower the Central Government to fix one date for bringing into operation throughout British India this very important measure.

The next point is that there is at present a failure of the unfortunate victims—some of whom may be the main support of their family—to obtain the compensations which are legally their due, either because the owners of the vehicles causing the accidents are uninsured and without means, or because the victims are ignorant of their rights how to proceed to secure them. The Motor Vehicles Insurance Committee came to the conclusion that compensation is sometimes paid without recourse to legal action in the case of minor accidents by public vehicles, though it is generally inadequate, but that payments of any sort are rare for serious accidents. In the United Provinces a compensation of twenty-five rupees was paid to a child who lost an arm. This was the only instance the United Provinces were able to report of the compensation being paid without insurance. This made the members of our Committee aghast. Sardar Sant Singh has also from his experience told us that he knew that in the case of accidents poor victims are left without any compensation or remedy (page 16). As regards the suggestion that the existence of compulsory insurance will make the drivers more careless, I think we have a very good answer to give.

There is no provision in the Bill for compulsory first party insurance or insurance of property. There will still be a substantial inducement to drivers who are not covered by the policy to drive carefully (Roughton's Report page 30). Drivers also run the risk of criminal prosecution if they are reckless. Third party policies do not absolve them from criminal liability.

My third argument in favour of compulsory insurance would be "The smallness of cost". It has been argued that insurance means additional operating cost and the owners of the motor vehicles who depend on them for their livelihood have very often very little margin on which to work. Insurance will increase costs and so will decrease taxable capacity. I admit that there will be a small increase but in my opinion the small increase in cost will far be outweighed by the corresponding benefit. Then again, Sir, the findings of our Committee have encouraged us to think that the burden upon the owners will never be heavy. One anna per passenger per hundred miles or two annas per ton of goods for a whole day can never be said to be a very heavy incidence.

Sir, before I resume my seat I would like to say a few words regarding State insurance. It may be suggested by some of our Members that Government should undertake the duty of motor insurance. I do not know whether it is intended that the State should take over all insurance of motor vehicles or only that portion of it which is compulsory: the former course would necessitate the expropriation of existing business while the latter necessitates each accident in which there was a claim on behalf of a third party being investigated by two sets of examiners, one employed by the State and the other belonging to the company responsible for the non-compulsory part of the insurance—a duplication which could not fail to increase the costs bearing upon the the owners of motor vehicles.

Motor insurance does not merely mean the taking of premia and paying out of compensation. In motor insurance every claim has to be investigated both as regards amount and the liability of the insurer. In the case of a life insurance, however, the amount is known and the liability of the insurer is seldom in doubt. It is inevitable that the investigation of claims will require a large sum for which an allowance will have to be made. If claims are not investigated the amounts paid would be swollen to an extraordinary degree.

If the State entered the field it would probably find that by a natural process of selection the cream of the business in the form of the careful owners with good records had been taken by the companies and only the bad risks whom no one would insure will be left to come under the State scheme. These latter are the very persons who would be better off the road altogether, but a State scheme would offer them facilities to continue their evil course.

I would also refer to another aspect of the matter. It will be remembered that there was recently discussed at great length in this House the Bill which has now become the Insurance Act of 1938. During the course of those debates members of all parties expressed their views that everything should be done to foster the young insurance industry that is

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growing up in this country. If this is the sincere desire of the House I would ask how it can be reconciled with a proposal for State insurance which would seek to divert business from the companies to the State.

State insurance also has a disadvantage that it removes the element of healthy competition which in itself tends to keep profits within reasonable limits. It is common knowledge amongst those who study closely the results of insurance business that motor vehicle insurance in particular is the most difficult branch of insurance to conduct successfully. Nobody can deny that this is a business of experts. Even the oldest-established companies with the benefit of many years of experience and expert staffs of the highest qualifications find the greatest difficulty in showing a balance on the right side at the end of the year's working. In England the injudicious selection of risks was responsible for failure of some companies. I suggest therefore that no system of State insurance could compete against those already in possession of the field without incurring losses which would have to be met either by increased premium or by, in effect, subsidies from general revenues—the former remedy would obviously tend to drive still more vehicle owners from the State to the companies, leaving the State with a larger proportion than before of the worst class of risks.

I am of opinion that the business of this nature will be more efficiently done by private enterprise than by the State. The division of overhead charges of a company between a number of different forms of insurance which tends to keep down costs will not be present in the case of State insurance. On the ground of public policy also I think the State should not compete with existing interests and local enterprises.

The figures shown in the Report of the Motor Vehicles Insurance Committee are undoubtedly much below the actual owing to a very large measure of non-reporting. Perusal of paragraph 44 of our Report will show that. The proportion of non-fatal accidents is 24 to 1 in England but only 8 to 1 in India. This suggests that the non-fatal accidents are three times as numerous as shown. I have no doubt that if compensation can be obtained many that are not now reported would be made known.

Compulsory State insurance against motor accidents has not so far as I am aware been attempted elsewhere. It may very well be assumed that other countries have realised the objections to it.

The difficulty which people will experience in fighting the State cannot be overestimated. The procedure which requires to be adopted in such a case is far from simple (*vide* section 80 of the Civil Procedure Code) and may well have the effect of discouraging persons with legitimate grounds for claims from taking steps to enforce them.

In view of these considerations I have no hesitation in asking this House to reject the idea of State insurance as one which offers no advantages of any description over insurance operated by private enterprise.

With these few words, I support the motion.

**Seth Govind Das** (Central Provinces Hindi Divisions : Non-Muhammadan) : Mr. Deputy President, I also rise to support the motion of the Honourable Mr. Clow, but I cannot support it with the same amount of enthusiasm with which my Honourable friend, Mr. Santhanam, did. Mr. Santhanam made it perfectly clear that whatever he said was his personal view and not the views of the Congress Party as a whole. I also wish to make it clear that whatever I shall say is my personal view, and not the opinion of the Congress Party.

Sir, the Select Committee, no doubt, made many improvements in the Bill, and I take this opportunity of congratulating the Members of the Select Committee for their great endeavour, but still I am afraid that the objects for which, it is said that, the Bill is being introduced will not be achieved. The Honourable Mr. Clow in his speech while moving his motion said that there were two main objects for bringing forward this legislation,—one was the public safety and the other was to consolidate the various Provincial Acts which already exist in this sphere. He further said that he had received various representations from the motor transport organisations protesting against this Bill, but, in his opinion these representations were made on account of certain misapprehensions. The Honourable Mr. Clow declared that the Bill was in no way against the interests and development of the motor transport industry. Now, Sir, if I was convinced that this was the case, I would have readily supported his motion with great enthusiasm, but the Honourable Mr. Clow contradicted himself in his own speech. In the beginning he said that the Bill had nothing to do with Railways.....

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : I never said that.

**Seth Govind Das** : Then you admit that the Bill has got something to do with the interest of Railways as well ?

**The Honourable Mr. A. G. Clow** : I mentioned, Sir, that there is one particular section which had a direct reference to Railways.

**Seth Govind Das** : But, Sir, in my opinion, besides certain provisions of public safety, this Bill deals mainly with road and rail co-ordination. Now, Sir, as far as the clauses relating to public safety are concerned, there is not much difference of opinion, but as far as the rail and road co-ordination is concerned, I submit that there is serious difference of opinion. Sir, there cannot be any real co-ordination without complete control, and if this complete control on the motor transport industry is going to be exercised with the object of helping railway finance, I must say that it will kill the motor transport industry, if not immediately, at least in the long run. Sir, control of motor transport industry for public safety is one thing, and control of motor transport industry in the interests of railway finance is entirely a different thing. I am afraid, Sir, that in the name of public safety the motor transport industry is going to be controlled and sacrificed in the interests of railway finance, and, therefore, I say that the real objects of this Bill are not going to be achieved.

I admit that the Railways are a national industry, although, when one examines and studies the various complexities involved in railway

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administration, one is often inclined to think that it will take a pretty long time before we can call this industry a really national one.

Sir, the position of the Statutory Railway Authority, under the Government of India Act, 1935, the way in which the Railways are perpetually kept under debt, the mismanagement of the depreciation fund, financing constructions like the Harlinge Bridge, Vizagapatam Harbour, etc., the top-heavy administration and Europeanisation of higher services, and many other similar manipulations, confirm my fear. However, I admit, that we must try to improve the railway finances, but how to do it is the question, and here I shall illustrate certain instances and try to show to Honourable Members of the House what other important countries of the world did when they were faced with a similar problem. I am quoting from a book entitled, "Road and Rail in Forty Countries". In the United States of America what did they do ?

"The railways have attempted to meet motor competition by a number of technical and tariff measures. These measures include, improvements in the actual operations of transport ; speeding up of trains and introduction of short light trains ; employment of rail cars in the place of local trains, improvements of service, extension of the hours for shipment and delivery of goods ; opening of night services for handling goods, employment of special equipment to facilitate handling, etc."

Now, Sir, in America,—

"There is no federal legislation dealing with the co-ordination of road and rail transportation, and in the absence of legislative authority there can be no administrative intervention in the conflict which is taking place between the two means of transport. The Inter-State Commerce Commission, on its own initiative, after extensive hearings on the subject, arrived in 1932 at the following conclusions : that there is today an excess of carrying capacity of existing transport facilities. This excess is due to the freedom with which the motor-car has been allowed to develop and create competition. This competition operates under conditions of inequality which are favourable to motor transport. It is reasonable that wherever motor transport renders better service it should replace the railways : this transformation should be encouraged wherever it seems to be conducive to progress. On the other hand, Federal legislation relating to the regulation of motor vehicles operating on the public highways and engaged in inter-State commerce is desirable in the public interest."

In France we find :

"Motor transport enterprises for the carriage of goods have complete freedom and are only subject to the provisions of the *Code de la Route* applicable to every motor-car owner. Since the passing of the law of August 21st, 1923, the State may grant subsidies to motor transport services for the conveyance of goods."

With a view to modernising their services in order to meet motor competition what have their railways done there ?

"With a view to modernizing their services, the railways have established reduced rates between certain stations. Grouping services have been improved in stations and the use of containers developed. Reduced rates have been introduced for empty packing cases."

In Italy we see :

"There are no laws governing the relationship between road and rail, but certain organisations have been created to co-ordinate the two services. In 1929, the National Transport Institute was formed with a view to directing traffic to the railways by technical methods (*door to door delivery*, etc.) or tariff measures (*reduction of tariffs for amalgamated freight*)."

Of Germany—I shall not quote any more instances here. What I want to say in this respect is.....

**Mr. K. G. Mitchell** (Government of India : Nominated Official) : Will the Honourable Member not give us the particulars about Germany ?

**Seth Govind Das** : If he wants, I will. I quote what they have done to improve their railway finance :

“ The D. R. G. has introduced collective tickets issued at 33 1/3 per cent. instead of 25 per cent. reduction, and the minimum number of sharers of the ticket has been reduced from 20 to 15, and more recently to 12 ; the clause stipulating the minimum length of journey has been cancelled. When more than 31 persons share a ticket, one free journey is allowed, a further free journey being allowed for each additional unit of 50. The reduction in the case of excursion trains has been increased from 10 to 20 per cent. The reduction made for collectively booked trains may be as much as 50 per cent. and even more in certain cases. Other reductions are granted in respect of school-children's tickets, holiday tickets, etc. Lastly, the D. R. G. has come to an agreement with certain motor forwarding agents whereby they are able to make such substantial reductions in cartage rates that competition is no longer to be feared.”

**The Honourable Mr. A. G. Clow** : Will he refer to co-ordination in Germany ?

**Seth Govind Das** : In this book it has been mentioned that they have entered into certain contracts independently with certain motor transport agencies, and no laws have been enacted for Germany, with regard to co-ordination. What I wish to bring to the notice of the House is that if railway finances are to be improved, then they are to be improved in a different way. I was rather shocked to hear from my Honourable friend, Dr. Dalal, that if the competition between railways and the motor transport continues and the railways suffer a loss, then the railways will have to increase their freights and fares. I want to tell him that this is not the way to compete with motor transport. If the railways really want to compete with motor transport, they will have to do what the other countries did in this respect. They will have to provide more facilities to travelling public for goods traffic, and reduce their expenses, only then will they be able to compete with motor transport.

Then, Sir, in the countries which I have mentioned, the motor transport industries were fully developed and only then they found the imperative need for certain laws to be enacted. As far as India is concerned, if we compare our area and population with the area and population, of different countries as well as the road and vehicles ratio, we will find that honestly speaking we have neither vehicles nor roads. I have got some figures which show the mileage of roads in different important countries of the world. For instance, in the United States of America there are about three crores miles of road, and in the other countries also we find their ratio of road, compared to the area with India is very much higher. Our country comes at the bottom. In spite of our huge area here we have only two lakhs and 69 thousand miles of roads, out of which we have metalled roads to the extent of 76,082 miles only. The same thing we find so far as the motor vehicles are concerned. In the United States of America there are about 2,62,21,000 vehicles and so is the case with many other important countries, while in India, in spite of our huge area and population, the number of

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vehicles is only 1,71,000. What I mean to say is this, that when such laws were enacted in other important countries of the world, their motor transport industry had been fully developed. The conditions in India are entirely different. Here, this industry is still in its infancy. I admit that we at present import our vehicles. But, unfortunately, we import all the machinery and not only motor vehicles. Before we could develop this industry in our country and manufacture our own motor cars and buses which we are contemplating to do now, this Bill has been brought and I am afraid this law will not only mar the progress of the motor transport industry but also discourage the motor manufacturing industry. In the year 1933, while inaugurating the Rail-Road Conference, His Excellency the Viceroy said :

“ It is a fact that in a country of vast distances such as India the economic prosperity of its peoples is bound up with cheap rates for the transport of agricultural produce, coal and other traffic, commonly described as low grade traffic. It is also a fact that the convenience, elasticity and economic advantage of motor transport are very real ; that motor transport has already substantially altered and improved the conditions of life in many parts of the country and that it is of great potential value in advancing the material, social and political progress of the population.”

These were the sentiments expressed by no less a person than His Excellency the Viceroy and Governor General of India in the year 1933 and in these four years we find that there has been change in the attitude of the Government towards this industry. Otherwise a Bill should have been brought containing provisions for the public safety only and there would have been no deterrent provisions here to crush the motor transport industry. Then, Sir, I am afraid that the co-ordination of the motor transport with railways is not a practical proposition. Here I shall quote what the Railway Inquiry Committee has said in this respect :

“ We are required by our terms of reference to pay due regard to the question of establishing such effective co-ordination between road and rail transport as will safeguard the public investment in railways while providing adequate services by both means of transport. Road transport has not developed to the same extent in India as in other countries of the world. The number of buses and lorries is small in relation to the size and population of the country and is bound to increase as the road system is improved and extended. We consider that the country should enjoy the advantage of this development and that no restrictions should be imposed which would unfairly hamper it.”

Further on they say :

“ We are bound to say that in existing conditions co-ordination is an unattainable ideal. . . . It is useless to try to bring about effective co-ordination until road and rail transport are both operated as public services and under regulations appropriate to a public service.”

The question is whether the conditions in India are fit for co-ordination as has been suggested by the Railway Inquiry Committee. The Railway Inquiry Committee say that when road transport develops and both are operated as public services, only then it would be possible to bring in the solution of co-ordination and they think that the present conditions in India are unfavourable for co-ordination and that the progress of motor transport industry should not be hampered.



It is said, that as far as co-ordination is concerned, it would be left to the provinces. All right. There cannot be a better proposition than this but then the question is that the work of co-ordination would be done by the Provincial Governments and the provincial and regional transport authorities. They will have ample power as far as imposing restrictions on the motor transport industry is concerned. If there are any irregularities in motor transport industry, then provincial authorities will have the authority to control and check them but what about Railways? As far as the railways are concerned, under the Government of India Act, these authorities will not have any real power to bring them under their subordination. They will have no power to impose parallel restrictions on a railway and the railways will be able to achieve their advantages over the motor transport industry.

As far as compulsory insurance is concerned, in spite of Mr. Chatterjee's lucid speech, I am not convinced. The conditions in this country are entirely different from the conditions in other countries. I have proved it by the references I gave from the position of other countries. If we introduce compulsory insurance in this country at the present stage, that is going to be a great burden on the motor transport industry. For Dr. Dalal to shake his head is a very easy thing because he is not interested in the motor transport industry and he cannot appreciate the dangers of the sort of cut-throat competition exist in the business. But the question is whether under the present conditions of the motor transport industry of the country this compulsory insurance will not be a great burden on the industry. Nothing has been said to prove here that this compulsory insurance is not going to be a burden on the industry. If it is to be imposed, I would suggest that this part of the administration should also be handed over to the provinces. So far as the people of India are concerned, it is a known fact that the majority of them are illiterate. For an illiterate victim, it would be very difficult to establish his rights of claim and speedy realisation of his compensation. Therefore, the organisation and control of the compulsory insurance should be left to the provinces.

Sir, I shall not take any more time of the House. I would conclude by saying here that I admit that a certain amount of control on motor transport industry is necessary for the public safety but as Dr. Banerjee has said, and I entirely agree with him, that the control should be exercised only as much as is absolutely necessary. If we go further and stiffen this control in the interests of railway finance, I am sure that the motor transport industry will be killed. In consonance with the views that I have expressed, I support the motion of my Honourable friend, Mr. Clow.

**Mr. Muhammad Azhar Ali :** First of all, I should like to say a few words about my experiences on this Motor Vehicles Committee on which I had the honour to serve as a Member of my Party, but I should like to say that my views cannot be taken as the views of my Party as a whole. It is quite possible, Sir, that there may be any number of differences in the views generally from what I say on the floor of this House. It was my very first experience on this Committee during the long term of my membership of this Assembly that I found that the Government was to a very great extent accommodating to all our criti-

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cisms, and I am consequently prepared to say that the Honourable Mr. Clow and his assistants, especially Mr. Mitchell, in spite of the experience that he had on the Mitchell-Kirkness Committee, were always accommodating whenever it was found that different views were held on the other side and when such views were expressed from the opposition—either from the Congress Party or from the Muslim League Party or any other Party. I always found that the Government was always accommodating and gave a listening ear to all we said and ultimately we found that whenever we urged that it was very necessary that a certain thing should be done in the interests of the country, Government was always accommodating. I have to give out another information here. Sir, the interest which our worthy Deputy President, who presided on this Committee, took and the way in which he conducted the proceedings of the Committee were indeed very encouraging at every stage. Sir, the Members found, and I am sure there is not a single Member here in this House who was a Member of this Committee who will differ from me, that every Member of this Committee was accommodating each other. I am sorry that in spite of the fact that several of our Members gave out tea parties to my friend, my friend who is disturbing me from behind, i.e., Mr. Paliwal, did not come forward so very willingly. Sir, I have no complaint against him but I still hope that if we meet in committees in future we shall get a very nice tea party from our same friend here. Sir, we have to remember that this Bill is a very omnibus Bill. It has been a very omnibus Bill from the very start and, therefore, we found that it was necessary that although we may have had to deviate from our regular course of business, we ought to lay down a new principle that in future whenever committees meet on such Bills, we must have some preliminary discussions on principles. Sir, I am much obliged to our Honourable and worthy Deputy President who allowed this principle to be inaugurated on this committee at least, and I am sure that whenever we meet in committees and sub-committees, we will discuss principles and decide certain matters which may be conducive in future to our arriving at very good and sound conclusions. Sir, this Bill when it was first introduced into this House looked to every one to be a very rigid Bill. All of us thought that it would take some very long time, rather more than the time we spent on the Committee, that it would take more time for us to travel through all the sections of this Bill, but, Sir, in a very short time we came to very salutary conclusions over all the sections of the Bill, and I think this House ought to know that we did our best in what way we could to make the clauses of this Bill not so very rigid as we found them before.

Sir, in the Bill there were such clauses as were repellant to public opinion, to our sense of justice and to our feelings as Indians. We have tried our best to remove all. So far as legal difficulties were concerned and so far as other unpalatable things—which we denounce every day on the floor of this House—i.e., about the Evidence Act or it may be about the criminal law, those also we tried our level best to remove. Wherever we found that the Bill was very rigid or very strict—for instance, I may say here, the section relating to abetment of offences we got deleted—and also we did not try to put in such things as were

not conducive to the interest of the public at large. Sir, wherever we found that the fines were very heavy, we tried our best to induce the Government to accept our view and we are glad that the Government agreed to our wishes. At the same time wherever there were very rigid and very stringent rules, we also tried our best and we were glad that those things have been, to a great extent, softened and the Bill is not now so strict and rigid as it was before. Sir, if my friends compare the two drafts—i.e., when the Bill was first produced before the House and the draft as it has emerged from the Select Committee—I am sure all the Members of the House will feel that the Committee has done its level best to make the Bill more acceptable to the public at large in the country. Sir, the owners of cars were threatened by a sort of abuse of criminal law. It was said that the owners would be responsible for every illegal act committed by the drivers and the presumption was to be raised against the owner. As you will find in clause 5, it has been absolutely removed and there is no such presumption now to be made against the owner. In the same manner we have made provisions in clauses 13 and 132 for appeals for every sentence that is to be passed. Sir, it is not a small affair and I am proud of the fact that we have been able to take out this sting at least from the provisions of the Bill as it was produced in the House before. Sir, at the same time, under clauses 13 and 132 we have been able to provide a very salutary provision that the Provincial Governments are to determine the courts. We have not prescribed any special court in this Bill as it has emerged from the Select Committee. Sir, it is not only that ; we have laid the foundation for the separation of the judicial and executive powers. Sir, that is a principle for which we fight every day in this country and it is satisfactory that we have now laid the foundation for the separation of the functions of the judiciary and the executive.

Sir, I am glad that the Government, in spite of its inconsistencies on former occasions, have agreed that the Provincial Governments may, if they like, introduce the separation of judicial and executive functions and they are not bound to send up cases before the executive authorities but also before the judicial authorities if they so like. Then, Sir, further on, when we proceeded with this Bill, we tried our best to make our friends on the other side agree that all kinds of reasons should be given for all the sentences that are to be passed by the magistrates ; for example, we tried our best to lay it down and the Government agreed that if licences are refused, their reasons should be provided ; at the same time not only reasons should be provided but that those reasons are to be communicated to those persons whose licences are to be refused. These are the salutary provisions of the Bill, whether they may relate to appeals, or they may relate to the refusal of licences or they may relate to any other thing, they have all been provided for in a most satisfactory manner to us. Therefore, I say that it was a peculiar feature of this Committee that the Government accommodated us at every step. When we came to the clauses which referred to the co-ordination between the Indian States or the foreign countries like Pondicherry or the French possessions, there too we have provided, as in clause 9, that there should be a *quid pro quo*. If the Indian States or the foreign countries do not accommodate us to the same extent as we in British India are prepared to accommodate them under this Act, then

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we have provided for that too. I do not see how it is possible for the Indian States to refuse to us what we have given to them and I am sure that in their own legislation the Indian States will accommodate us to the same extent and there will be the same *quid pro quo* on their part as well.

We, in this Assembly, always try and ask the Government to give us non-official Members on every Committee and Commission that is appointed. Some time we ask the Government that there should be a majority of non-official Members on Committees. I am glad to say that if my Honourable friends will compare the two drafts, they will find that we have provided in clause 43 to the effect that non-official committees are to be formed and the Government has agreed that the Provincial Governments will always give names of non-officials as well along with the officials. We cannot do away with the officials wholesale because they come to us as experts. Whether it is the provincial transport authority or the regional transport authority, Honourable Members will notice that on both these Committees we have provided that there will be officials and at the same time there will be an equal number of non-officials. I am glad to say that in clause 43 Government have agreed to this salutary provision. I may mention here, by the way, although I find it was mentioned by my friend, Mr. Santhanam, the other day, that by this means the railway influence is to be eliminated. I can assure those Honourable Members who think that the railway influence will be great on these Committees that it will not be the case now because of the provisions of clause 43. Those persons who have got any kind of financial interest cannot become members of these two Committees. After mentioning these facts I want my friends in this House to remember that we have done our level best having regard to the vastness of this country, the ignorance of our people and the conditions in which we have to live not only in this House but also outside this House. Therefore, what we have been able to get from the Government in this Bill is quite enough.

I am sure, my Honourable friends will realise that nothing is perfect in this world. Then, how can they expect this Bill to be perfect? I will ask my Honourable friends to read clause 54 of the Bill. Whenever there is a question for the labourers, my friend, Mr. Ranga, gets up and says that we ought to provide facilities for the workers. If you read clause 54, you will find that we have provided for only 54 hours work per week for those who serve in motor works. I hope it will not be said that 54 hours work in a week is a hardship on the workers. Sir, whether it be in the sphere of legal difficulties, whether it be in the sphere of workers and their conveniences, whether it be in the sphere of getting non-officials on the Committees or whether it be in the sphere of providing for the separation of judicial and executive functions, I must say that the Provincial Governments have been authorised to do as they like or more even than the Central Government, under this Bill. Therefore, when we have left all these things to the Provincial Governments, I think our countrymen ought to feel satisfied for what we have done under this Bill. Not only that, we have provided that for these workers there will be kept a record of work and reasonable work will have to be taken compulsorily under the Bill. So, my submission is that we have done our best on this Committee.

There is only one thing more which I would like to say. Our demand every day is that our provinces should be more autonomous. In this connection, I will invite the attention of the Honourable Members to clause 1, sub-clause (3), which I would ask them to read with great care. It says :

“ It shall come into force on such date as the Central Government may by notification in the official Gazette appoint in this behalf ; but Chapter VIII shall not have effect in any Governor's Province or Chief Commissioner's Province until the Provincial Governments, after the passing in the Legislative Assembly of a Governor's Province of a resolution recommending the application of that Chapter to the Province, by notification in the official Gazette so directs :

. Provided that when in the majority of the Governors' Provinces the Chapter has been so brought into effect the Central Government may, by notification in the official Gazette, bring it into effect throughout British India.”

After reading this sub-clause my Honourable friends will find that all those things that they may have thought injurious have been taken out from this omnibus Bill. It will be a great pity if our friends object to the Provincial Governments having such powers for which they make a claim in this House every day. If this sub-clause is to be worked then it has been provided that a resolution must be moved in the Lower House. We have not included the Upper House. We have given this power only to the Lower House. If the Lower House can pass this resolution, they will have the power to do as they like. Again, Sir, Chapter VIII is considered to be one of the most important Chapters and it was the most criticised portion of this Bill. Therefore, whatever the Select Committee could do, it has done. I do not claim that this Bill is an absolutely perfect Bill. If there are any defects in it which my friends here think ought to be removed or modified, I shall be very glad to support them if I find that they are reasonable and they are supported by reasonable views.

In the end, I may also say that this motor transport industry is in its infancy in this country. It has not achieved that perfection and it is impossible to achieve perfection of any kind so long as it is not properly supported. This industry has been in existence in this country for at least 30 or 40 years. Other countries like Germany, England and the United States of America have advanced rapidly and we cannot compare the figures of those countries with the figures available in India. As I said in the beginning, we have had regard not only to the safety and convenience and advantages of the country, but also we had thought that if there was any necessity to introduce such further things which of course came within the scope of the Bill, we have tried our best to include them also in the Bill. Sir, with these words, I support the motion for consideration of the Bill.

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau : Indian Commerce) : Sir, the Bill which the Honourable Mr. Clow introduced and which he has acknowledged to be controversial is one of the longest Bills that ever came before this House and on this matter I congratulate the Honourable Members of the Select Committee on their having reduced the area of differences of opinion. I notice and notice with great joy that some of the more savage and harsh provisions which were calculated to intimidate, to harass and otherwise to burden and to oppress the motor trade have been either removed completely or very considerably modified. Sir, at this stage, I will straightaway dissociate

[Mr. Manu Subedar.]

myself with any section of the House who would want either to obstruct the passage of the Bill or to destroy it. I will say on behalf of the Chamber of Commerce whom I have the honour to represent in this House that we have every desire to see a proper law on this subject get on the Statute-book and to get through during this Session. I, therefore, cannot support the motion for circulation which has been put forward.

Another main point which was put forward is that there are several sections which have given considerable power and authority both for rule-making and for the appointment of transport authority to the Provincial Governments. I will come to section 42 within a moment. This is as it should be because the control of road traffic and roads is under the Government of India Act a provincial subject and, what is still more important and from our point of view the most important thing, is that Provincial Governments are everywhere in the hands of responsible Ministers. At the same time, with regard to the constitution of regional and provincial transport authorities, there is a provision in the Bill which I fear is likely to create considerable difficulty. While it leaves to the discretion of Provincial Governments to appoint anybody they like, including any representative of railways at their discretion, it interdicts the appointment of any one who has a financial interest in any transport agency. Now, Sir, I will ask a question as to what is financial interest in a transport agency. Assuming that I hold one share in the Bombay Electric Supply Tramway Company, would I be eligible for being appointed to the transport authority in Madras, Calcutta or even in Bombay or would it make me ineligible? This is the portion of the section which requires slight modification or amplification in order not to put out people who have merely a small investment in some company which is interested in transport from going on as members of the provincial or regional transport authority.

With regard to the main question of competition between road and rail, I would bring it to the notice of the House that the proper method and the proper approach by which they should examine the Bill as it has now emerged from the Select Committee is the one which was given by Sir Frank Noyce in 1933. He said what is really wanted is the best distribution of the nations' traffic between the two systems in the interest of the nation as a whole. Similar views were expressed by the Transport Advisory Council of the United Kingdom. They said :

"the best line of approach to achieve co-ordination is to aim at securing for traders, that is to say for the public adequate alternate facilities, care being taken that the resultant competition is on fair terms, that there should be unfettered right on the part of the trader to select the form of transport which he considers most convenient and economic for his purpose."

Sir, what I find is that every interest has got its own way so far as the modification of the Bill in the Select Committee is concerned, but the wretched public, that is the mercantile community, who employ both motor trade and who give traffic to railways, they seem to have got the worst of it. The choice must be theirs and wherever the choice is restricted as it is sought to be restricted by section 42, wherever the choice is restricted, a fair deal must be given to them. I will read, Sir, the

section in which the Provincial Government is given authority having regard to certain things including advantages offered to the public, trade and industry by the development of motor transport. I do not see how the advantages offered, how regard can be had to the advantages afforded to go and restrict those very advantages as it is provided in sub-clauses 1 and 2 :

“ to prohibit or restrict throughout the province in any area, etc., etc., or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally or of prescribed classes of goods by private or public carriers.”

Now, Sir, when the Bill was introduced, I was myself responsible for making this suggestion on my own bat and that suggestion, however, was that instead of crippling, instead of harassing motor traffic not only that part of it which is competing with you, but that part which is feeding you, that part of it which is not at all touching you, instead of throwing the financial burden and regulating the operation of motor traffic generally, why don't you come out in the open and say that in order to preserve our monopoly, we shall take power to restrict certain very remunerative lines to the railways and to keep that monopoly for them so long as the railway finances cannot afford to meet this obligation. When I suggested that, I had made a stipulation which I repeat and the need of which I will urge on this House to be introduced in the Bill and that stipulation was not a unilateral power like this by which in the interest of the railway some traffic is taken away from the motor trade, but that stipulation was that when you take away such traffic, you should give to the public lowest rates that you can give and in order to ensure that the rates are the lowest, you should enforce in the working of your railways all the economies which are possible. I further said that the godown to godown delivery is an attraction which the motor traffic gives to the commercial community and which the railways cannot give at present and that facility must invariably be given wherever by the operation of this particular section the traffic is taken away in order to secure a monopoly of the railways in respect of that particular line of traffic.

Now, Sir, with regard to the next point, namely, maxima and minima, my objection is still more severe. As I mentioned on the first occasion, the Provincial Governments, who are given the power of fixing maxima and minima, will never have at their disposal the necessary facts in order to enable them to do this either with justice to the trade and to the public who employ the transport or to the transport agencies themselves, or with dignity to the Provincial Governments. Sir, I do not want the Provincial Governments to be placed in a ridiculous position where without sufficient facts they are called upon to fix these maxima and minima. If they fix these with very wide divergence between them they would make fools of themselves ; if they do not keep a wide divergence, even then, apart from the methods of evasion which both the trade and transport agencies would know and apart from the ease with which these can be evaded, I say that it is not a fair proposition, it is not a fair obligation for us as legislators to put on the Provincial Governments that they should go and fix maxima and minima for every route, for every line of transport, for every kind of goods, for every little stretch of territory. It is not a proper burden which you should put on them. In that case the question arises as to whether I would advocate anything else in place of this. And may I, Sir, with your permission mention that I should like

[Mr. Manu Subedar.]

a general power to be taken under this Bill and under this clause for the Provincial Governments by which they would have the right to interfere whenever anything irregular is reported to them, that is to say, of a very unfair competition between the transport agencies themselves. Whenever it is reported to them that there is something irregular going on, they would send their inspector, and if they are not satisfied that the competition is healthy and proper, they would intervene themselves to prevent the rates from going down. Similarly, whenever anything serious is reported to them that there is a monopoly which is rigging up prices against the public, they would have the right and the power immediately to interfere in the interests of the public. Sir, this general power which I am advocating would not place the Provincial Governments in that ridiculous position in which what is provided in the Bill is calculated to do, and would certainly meet all the purposes and the main object of this clause, namely, that unhealthy competition which takes the rates too low should be prohibited, and unhealthy exploitation of the public should also be prohibited. Sir, may I address the Government Benches for a moment and ask them how....

**The Honourable Mr. A. G. Clow :** No, address the Chair.

**Mr. Manu Subedar :** I am addressing the Government Benches through the Chair and I shall be very glad if they will give me an answer after I have spoken. May I ask them how it is that they reconcile their absolute refusal even to consider the modest measure of Sir Abdul Halim Ghuznavi which required the Government of India to fix the maxima and minima in the case of water transport and with what good grace are they coming to this House with the same provision with regard to the motor trade? Am I to understand that it is the motor trade which is giving them great annoyance by competition with the railway system? I do not wish to ascribe motives but I do my duty here in pointing out the inconsistency and I say that if they have refused in the case of water transport to fix maxima and minima, as was the desire in every part of the House, because of the inherent difficulties and the impossibilities, then they will accept my plea that they should not put the Legislature in the awkward position and the Provincial Governments in the undignified and untenable position of having to fix maxima and minima under this clause.

Now, Sir, there is another thing which I should like to mention with regard to road-rail competition which may not be in the mind of the Honourable the Mover but which is undoubtedly in our mind all the time. And we say that tightening up of the railway administration with regard to all possible economies is the only measure which will ever induce any responsible Provincial Government to operate on this clause. If we throw it out that is a different matter; but if that clause remains, let me remind Honourable Members on the opposite Benches that the power of exercising this restrictive rule in the interest of the railways will be always with the Provincial Ministers and no Provincial Ministers, none of our colleagues, whether they are colleagues of my friend, Maulana Zafar Ali Khan, or whether they are our colleagues,—will ever think for a moment of taking any action in the interest of the railways till they are fully satisfied, which they are not at the moment, that all possible economies have taken place at that end.



Then, Sir, there is another point with regard to this competition. The official Benches seem to think that motor transport is a single unit ; at least that is the sense which I make out of some of their speeches. Sir, motor transport is not as concentrated a unit as the railway is. Motor transport is spread all over ; there are larger agencies and there are smaller agencies ; there are hundreds and thousands of people dealing and engaged in this directly and indirectly, in the supply, repair, running and distribution of petrol, as conductors and drivers and in various other capacities. And labour and capital are all widespread and not concentrated. At the moment Government are trying to disturb the enterprise which is not concentrated in one hand but which is run on the basis of a competition which, as the Honourable Member himself acknowledged, is sometimes very serious and dangerous. The method of dealing with that competition is, first and last, for the railways to look a little more inside themselves and turn to a little more self-examination, and satisfy the country that they have themselves done everything that is possible and deserve the help which the Bill and this particular restrictive clause is calculated to give them.

Sir, there are a few small clauses which I will dispose of and they are in the interest of justice to the industry. I do not see why those engaged in motor traffic will not be allowed the same facilities for attracting traffic as the railways have ; for example, concessions of return tickets, giving of concessions to people who use the route frequently, to reserve a car with a smaller number of tickets, and to give all concessions of the kind which the railways are giving. On specific occasions why are these denied to the motor industry ?

**The Honourable Mr. A. G. Clow :** Who denies them ?

**Mr. Manu Subedar :** I am very glad they are not denied.

Then, Sir, with regard to the fares which have got to be exposed, these are the legal fares, and I take it these are fares which would be reckoned at in the event of there not being a special contract. But I do not also see why they should be prevented from having a special contract directly or indirectly. Sir, I fear there are certain clauses which will drive, as I anticipated before, the motor trade from the hands of the small man into the hands of a large corporation. One such clause, for example, is that the regional transport authority shall consider :

“ the operation by the applicant of other transport services and in particular of unremunerative services in conjunction with remunerative services.”

Sir I will make a free gift to the Treasury Benches of these two words “ remunerative ” and “ unremunerative ”. There are no other two words which are more difficult to define and to explain. And I say that when you make a law it is your duty to make that as clear as possible, that no party is in difficulties, and certainly no small parties who are eking out a doubtful living out of the motor transport business. Then we are told that passengers shall not be taken up or set down except at specified points. I have spent many and some of the best years of my life in the city of London and I say that in that city where the transport problem is most complicated this facility to the public exists—the bus stops as soon as a passenger waives for it.....

**An Honourable Member :** No, no.

**Mr. Manu Subedar :** I am describing what was the state of affairs during the pleasant years of my life when I was in London.  
4 P.M.

**An Honourable Member :** Not now.

**Mr. Manu Subedar :** In any case, what was good enough for London for many decades will be good enough for my country for a short time to come ; and instead of denying to the public and to the bus-owners and bus travellers this human convenience.....

**An Honourable Member :** It is only a rule-making power.

**Mr. Manu Subedar :** No case has been made out why this restriction should be put.

Then, there is the point about the private carrier. On this point, there are several provisions which are unsatisfactory : *e.g.*, an applicant for a license for a private carrier is asked to show that the vehicle for which the permit is required is necessary in connection with the business of the applicant. Sir, the income-tax authorities have, after many years of trouble, now come to the position where they partly understand something that we say about the interests of our business. But to make the motor vehicle authority understand what are the requirements of our business will be a very difficult task ; and I say there is no reason whatever why this oppressive clause should be put in. If after a declaration by a business that a particular vehicle is required for its own purposes such a vehicle is used for other purposes, you can penalise it. But what is this prior explanation that a particular vehicle is required for our business ?

Then, I want a proviso to section 62 (1) by which if a lorry which holds a license for a particular region or a particular province crosses into another region or province it should not be said that it is breaking the law : at all events for the first time it visits that other region or province, you must give a period of a fortnight allowing for holidays, etc., and for time to make application to the necessary authorities and to secure the necessary temporary permit from those other authorities.

The last point which I wish to make is in connection with insurance. I do not see why the modest request of Mr. Santhanam and his colleagues that the Provincial Government may be induced to take up this business themselves is not being agreed to by Members of the Select Committee. I have heard with care what my friend, Mr. Chatterjee, said. Mr. Chatterjee is a very distinguished lawyer and I have great respect for his legal acumen, but I will say this that in the business of insurance where more than one insurance company is concerned, there is always very great co-operation and the expenditure of double charges for investigation is, I am afraid, a bit exaggerated by my friend. The conveniences which the Provincial Governments will have if they undertake this and utilise them in their own interests—they would not undertake it if they do not want to—but the convenience which the Provincial Governments would have of collecting the insurance charges in respect of third party would be considerable : this convenience would be because motor owners are at present subject to provincial taxes and in connection with those very taxes the slight extra charge could be very conveniently collected.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Now, the main thing in connection with insurance is this, that you are by provision of law making certain insurances compulsory. If you are putting a compulsory burden—whether we call it a burden or a necessary element of cost as the Honourable Mr. Clow said or a tax—you are creating a charge by compulsion. With regard to this question of cost and taxes I am sure we shall come to it in the Income-tax Bill where the Honourable the Finance Member is proposing not to allow certain deductions in respect of taxes which have been paid by business people in connection with their business : but if you make certain burdens compulsory, it is your duty also to see that the burden is kept as low as possible and within the necessary limits permitted by the requirements of the case. Now, it has been estimated that the burden on this country with regard to compulsory third party insurance, whose necessity I am not questioning—I am accepting the principle that it should be there—would be about Rs. 60 lakhs. If my figure is not correct I shall be glad to have the correct figure from the Honourable the Mover. I say this and it has been urged upon us everywhere in this country that something should be done to retain this Rs. 60 lakhs in Indian pockets. I am fully aware that under sections 112 and others of the Government of India Act it may not be possible for us to make a provision here that such insurances shall be effected only in companies registered in this country. In view of this it would be very strange if any section of this House were to oppose a proposal which would make it at all events permissive for Provincial Governments to undertake this work and to undertake it exclusively as a State monopoly. I advocate this both on the ground of cheaper administration costs and on the ground that the public of this country has absolute confidence in the Provincial Governments of every province, and also on the ground that the money spent and spent under compulsion by a certain trade in this country might be retained to the utmost extent possible in this country itself. With these words, I support the motion.

**Mr. Suryya Kumar Som** (Dacca Division : Non-Muhammadan Rural) : Sir, I heard my Honourable friend, Mr. Santhanam, yesterday. He was a member of the Select Committee of which I was also a member. In the beginning, I must say that I am not so very optimistic about this Bill as my friend is ; he made some statement, and the Honourable Mr. Clow also made some statement, that we unanimously agreed to all the provisions of the Bill. But I do not think I am giving out any secret, which I am bound not to divulge, as a member of the Select Committee, when I say this that in the Select Committee there was a great deal of contest on the principle of the Bill, that is, on some of the most important points there was a great deal of contest and of course I fought but I lost. So it cannot be said that the members of the Select Committee were unanimous, and I am glad to say that certain members of the Congress Party also supported me in some of the most vital points of principle, and I hope the Congress Benches will also support me when I move those amendments.....

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Do not be so confident.

**Mr. Suryya Kumar Som** : You may not be ; but I have no help but to rely on my friends.....

**Mr. N. M. Joshi** (Nominated Non-Official) : Congress men have some conscience.

**Mr. Suryya Kumar Som** : However, in approaching the Bill, we must, in all fairness, first of all consider some facts that exist in the country. The main question is this. Do we or do we not want the transport service to develop in India ? That is the main question, and if this House accepts the proposition that it is very desirable for the development of industry and for the distribution of our agricultural products that motor vehicle services should be encouraged and we shall have it, if we decide on this, then it will be very easy to decide the desirability of otherwise of some of the sections which have put a great deal of restriction and which have saddled the motor transport services with great cost for which it will be impossible for the services to run at a cheap rate for the poor cultivators and villagers of this country. Sir, the motor vehicle is a poor man's conveyance. As a matter of fact, I need not dilate on the point whether India wants an efficient motor service or not, because the Resolution of the Road Board says that the taxes on petrol shall be utilised for developing the road system of India so as to make it fit for motor service all over the country. Having accepted that Resolution, the Government is collecting crores of rupees and distributing the money to the provinces to make good motorable roads. In the face of this fact, it is not necessary to point out that the Government and the country as a whole have decided that there should be good and efficient motorable roads and that the motor service should be maintained in a most efficient state. Now, Sir, poor as we are in India, I must say that this motor service serves the poor villagers much better than any other form of transport. Previously, bullock carts used to serve the requirements of the villagers, but I find that recently motor vehicles have entered the field, and motor service for long distance traffic has become cheaper than bullock cart service. Though I feel for the bullock cart owners and bullock cart drivers, I find that for the good of India for the development of industries and distribution of agricultural produce of this country, motor vehicles must exist and we must encourage them by all possible means. The bullock cart owners and drivers will not be thrown out of employment altogether, because these motor services are maintaining millions of people even now, and when this form of transport is encouraged properly with the help of a contribution from the centre, I expect that a very large number of poor people who used to drive or own bullock carts will be absorbed by the industry either as drivers or attendants or in some other capacity.....

**Mr. N. M. Joshi** : How many ?

**Mr. Suryya Kumar Som** : I am sorry I have not got figures with me just at present. But when the scheme of the Road Board becomes a *fait accompli*, when it becomes an actuality, and when it is perfected and completed, I hope, if not crores, at least lakhs of people will be maintained by the motor transport industry. As a matter of fact, some lakhs of people are being maintained now.

**Mr. N. M. Joshi** : How many cart men are there in India ?

**Mr. Suryya Kumar Som** : I could not tell you now. Sir, the motor transport is very convenient in a variety of ways. It is more convenient

than railways which I will call as the 'pet child of the bureaucracy'. Motor service is certainly cheaper. It picks up one from his house, drops him at his place, and it also demands a cheaper rate than railways. It also gives better amenities than the railways now give to the poor third class passengers. Even at present there are certain restrictions imposed on the carrying capacity of motor vehicles, so that there is no overcrowding in motor vehicles, but with all the rules and regulations, and with all the sympathetic speeches made by the Railway Member on the floor of the House, the lot of the third class passenger is the same, poor people are packed like sardines; even the middle class people are carried in the same condition in third class compartments, in spite of the rules made by the Railway Board. Therefore, Honourable Members will realise that motor transport is cheaper, it is more swift, and more convenient in every respect, and therefore this is a great advantage to the poor people because a motor vehicle will pick them up at their places and also leave them at their very door. Moreover, the railways cannot be spread over every nook and corner of the country. Even in the most civilized countries the railways are not able to reach the remotest parts of the villages. Therefore, Sir, motor transport is the only form of conveyance which is best suited to a place like India, and it should be encouraged as much as possible. I do not think that in this 20th century there is a single sane person who will say that we should not have motor service. The motor transport has come to stay, and there is no denying that fact at all. It must certainly be encouraged, looked after, and I agree it must be regulated and controlled, not for the sake of railways, but for securing better efficiency, better conveniences, for removing chances of accidents, and only for these purposes this Bill should be passed with those sections which control and regulate the services so as to reduce the number of accidents to an absolute minimum. Efficiency of the motor transport service should be the criterion by which we should judge the various sections of this measure.

Sir, we have started in a very suspicious and bad atmosphere. For the last three years the railways were steadily showing diminishing returns, and conferences on rail-road competition, road traffic, railway finances and other cognate matters were frequently held before this measure has been brought in. Therefore people have a natural suspicion that all these consultations and conferences which preceded this Bill were held with a view to devise means to put down motor competition which has undoubtedly affected the railway finances, and so Government have introduced restrictive provisions in respect of motor vehicles so that they may not compete with the railways. Particularly where there are roads parallel to the railways, it is a well-known fact that the railways are losing very heavily as the motor transport is more convenient and cheaper, as I have already pointed out. That is the suspicion under which we are going to consider the provisions of this Bill. I may remind my friends from the South that this is not a mere suspicion or a conjecture of the agitators, but it is a fact which has been proved by the anxiety of the Government of India to change the rules regarding the distribution of the Road Fund so that the Centre will have the right to refuse or grant help from the Road Fund as they think proper. That is to say, if the Centre finds that the roads projected by the Provincial Government are such that they adversely affect the revenues of the railways, then they will

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refuse a grant to the province. This was not in the rules relating to the Road Fund. I do not know whether the word I am going to use will be parliamentary or not, and if it is not parliamentary, I hope the Chair will stop me, this rule was carried through in this House clandestinely when the members of the Congress Party were absent. The Government were in a hurry to bring forward this objectionable rule when the Congress Party were absent from this House. If the Congress Party were present here they would not have thought of bringing it up.

**Babu Baijnath Bajoria :** Why were they absent ?

**Mr. Suryya Kumar Som :** It is not for my Honourable friend, Mr. Bajoria, who is a millionaire, to ask me that question. He was very much afraid when we talked of asking our men not to enter the British army—he was very much afraid that the army might disappear and his wealth might be looted. What does that change of rule mean ? Does it not mean that they had been changed with an ulterior motive to allow or disallow provincial roads as they liked ? What business has the Centre to do with the provinces ? Whenever any question arises about the provincial ministers, we hear from the Treasury Benches and also the Secretary of State :

“ This is a ministerial matter of autonomous provinces. We have no right to raise that question here.”

The other day, our friends opposite were full of love for the Punjab Ministry—for the good sense, the fairness and the uprightness of the Punjab Ministry. But why did you change that rule ? Why did you not rely on the Provincial Government to manage their roads, to have such roads as they liked ? They are the men on the spot and when they deem that such and such a road is necessary it must be allowed to be built. That change in the rules gave rise to a suspicion in our minds that something was brewing against motor vehicles. Then, in 1937, during the discussion in the Assembly, our Finance Member flared up and murmured, “ We cannot allow our 800 crores investment to be neglected in this way.”—that is by allowing motor vehicles to compete. This clearly shows that the purpose of this Bill is not for the improvement or efficiency of the motor vehicles, or with a view to saving lives of the poor men who lose their lives in accidents. It is not for those philanthropic purposes, but only for the purpose of keeping up that proud, pampered child of the bureaucracy, the railway. The railways must justify their existence. The railways, in order to get our sympathy, must do all that lies in their power to improve their finance and provide conveniences of the passengers. If they fail to do so, we are not going, at least this side of the House is not going to help the railways. Let the railways die a natural death if it be a losing concern from year to year. My Honourable friend, Mr. Santhanam, called them yesterday, our great national assets. I call them, if I am permitted, a great national waste. Every year the railways were to contribute five crores to the central revenues. For the last five years they have not contributed a single pice. Even after that they showed a losing balance till the year before last. Last year they showed a net income of 16 lakhs or so. So, I expect my Honourable friends to protect the interests of the motor bus owners who are very poor people, poor middle class people. They

are not as rich or as influential as the managing agents of insurance companies or directors of joint stock companies. The motor bus owners could not publish so many pamphlets, they could not supply all the literature, could not come in large numbers to instruct the Members.

I am sure that my Honourable friends will protect their interests representing as they do the Congress. (Interruption.) This time the Cecil Hotel is not crowded. The gainer was the proprietor of the Cecil Hotel during the days of the Companies Act and the Insurance Act. Sir, I am not against controlling and regulating motor services. Even though the motor service is in its infancy, we have come to a stage when we must look after the lives of the poor passengers. Last year, my Honourable friend, Mr. Gadgil, proved that there had been unremunerative, uneconomic competition by which 15 or 16, scrambling for the same route, came to grief and became insolvent in the course of two years. I support the provision to restrict the number of buses in a certain locality, but I do so, not for any other purpose, but to save those men from uneconomic competition. I would ask the House to consider this Bill dispassionately without any party bias and with the sole desire that you should look after the interests of the poor people of this country. You should look to the efficiency of the motor vehicle, you must stop accidents as far as possible, you must look to comfort and cheapness ; and that is all. Forget for the moment that there is something like a railway system in this country. In clauses preceding clause 42, there are a number of clauses where direction is given to regional authority,—as to what they should consider in granting licences—that they shall consider the services that were being done by other transport authorities in the locality. The Government very ingeniously and very guardedly wanted to drive the thin end of the wedge by those clauses. These directions meant that if there is a railway from one village to another, and there is also a road parallel to the railway, then the bus shall not be allowed to run on that route. Now, in the Report of the Select Committee, the word “road” has been added before the words “transport services” wherever the words “transport service” occurred. Thereby we succeeded in protecting the motor services from railway competition. As examples, I shall refer to sections 47, 52, 42, 48 and 67. There you will find the word “road” added before “service”, so that the fact that railway had been providing transport facility already in the locality cannot be taken into consideration in granting or refusing passes. You will find that we proceeded amicably up to that point of the road. But when we came to section 42, my friend, Mr. Santhanam, came with a bombshell. A shrewd man as he is, he put in the word “road” before “transport service” without any objection till then. But suddenly he came with his amended clause 42, whereby he gave full power to the provinces, autocratic power as Hitler is exercising.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : They are responsible Governments.

**Mr. Suryya Kumar Som** : I know how your responsible Government is using the Criminal Law Amendment Act. I know Mr. Satyamurti is a man of my ideas. He has been fighting for the repeal of these Acts for the last two years, and his speeches for the repeal of those Acts

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will stand as a monument of oratory and ingenuity and political sense, but what is the Chief Minister of his own province doing? He is sending batches of young men to jail for the offence of Satyagraha by the application of that much condemned Criminal Law Amendment Act.

**Mr. S. Satyamurti :** On a point of personal explanation. I want to say that I am not supporting the Madras Government in this matter of the use of the Criminal Law Amendment Act, and the Madras Government have said that they are going to repeal the Criminal Law Amendment Act at the next Session of the Madras Legislative Council.

**Mr. Suryya Kumar Som :** I know that. Mr. Rajagopalachariar is one of the greatest exponents of non-violence. He is the right hand man of Mr. Gandhi.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better not discuss that.

**Mr. Suryya Kumar Som :** Sir, all that I want to say is that Mr. Rajagopalachariar is not at fault. It is the fault of giving irresponsible autocratic powers to any man. This is wrong. Don't clothe even Mahatma Gandhi with dictatorial power or unlimited power. Yesterday, when discussing the Criminal Law Amendment Act, my friend, Mr. Sri Prakasa, enunciated a right principle. He said "Don't spoil these Local Governments. Don't clothe them with such irresponsible and tempting and attractive powers to put men in jail". He said that if you give unlimited power to any man, he is bound to be demoralised and will misuse it. I have the greatest regard for the Prime Minister of Madras. He is the right hand man of Mahatma Gandhi. He would be the same man as he was four years ago if you take away this irresponsible power granted by the Criminal Law Amendment Act.

**Mr. S. Satyamurti :** Do you know what is being done to him? He is being subjected to vile abuse in front of his house, as also the members of his family.

**Mr. Suryya Kumar Som :** You may ask "why don't you believe your own Provincial Government run by your own men?" That question was raised. We are taking away powers from the irresponsible Centre and giving to responsible Ministers. The Congress today controls seven provinces. I know. I am at least 20 years older than my friend, Mr. Santhanam. I am about 70. I have passed through all the stages of political struggles. I know all these things. As a young man, I praise your optimism. I would ask you to keep that optimism....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must address the Chair.

**Mr. Suryya Kumar Som :** But, Sir, I will give this warning to this House that, democracy or autoeracy, the Government is a Government, and the people are the people, and, unless this was so, in England, and particularly in America which is the most democratic country in the world, there would not have been any necessity for any laws and their own President and their own Congress would have ruled the country—what was the use of rules and what was the use of regulations and laws? On the other hand, we find that in England and America there is the largest number of laws to protect the civil liberties of the people and the



private rights of the merchants and others amongst the people. We have got the law of torts, excellent idea of torts and equity and all these things in those countries. The English and the American cabinets are more responsible and more democratic than the Indian and Provincial Ministers, but why do not the English and American people invest their Parliament or their Ministers with autocratic power? Sir, we must take a lesson from this act of the Chief Minister of Madras. I am grateful to the Providence as He has supplied me with this apt example at this moment,—that Mr. Rajagopalachariar, a man of his non-violent nature, was applying the Criminal Law Amendment Act! That example should give a warning to our friends to look upon the Ministers, when they form a Government, as having no common interest with the people. I am to protect my own interest; particularly in financial and economic matters the interests of the Government and those of the people are always inimical,—or else you would not have heard of the fight in England and America about certain taxation. You would not otherwise have heard of the Blum Government disappearing on the question of exchange and other financial questions. These facts indicate that in fiscal matters the Government thinks that the fiscal matter is its own concern, that the money is its, though the Government is *of* the people; and the people think that these Ministers are exploiting them this way and that, and “They are always vexed by this extortion and that exploitation by the Government”. That is the relation between Government and the people, whether the Government is autocratic or democratic. I think the English Government taxes its people more than any other Government; I am almost sure of that. I know that the highest incidence of taxation is in England, more than on the continent. So, my friends, in this matter, do not depend on your provincial so-called autonomous Governments. What I say is this. You do injustice to these people—the Ministers. Take the responsibility upon yourself, fix the ratio here, fix the rules here, do not make over these difficult and delicate matters into the hands of Ministers in order that they may naturally have the temptation for getting more and more money. That is what I say. I have full faith in the Provincial Ministers and fully appreciate the way they discharge their responsibilities, I know that many of them are people at whose feet I took my political training. I know all that, but I do not believe them in fiscal matters. Therefore, I say: “Do not be cowards. You are responsible men. You decide here. You are so many men here. You come from provinces. You know the ins and outs of the villages. You know where the shoe pinches. You know the condition of the masses. You know the condition of the poor bus drivers who purchase a bus on the hire-purchase system”. Poor fellow, he goes on for two or three years. then, at the end of the three years, he finds that the last instalment falls due; at the end of the third year, he clears off his debt by the sweat of his brow, but he finds that his car is almost gone. The car is useless by that time. This poor fellow, by the sweat of his brow, earns something, goes on paying the regular instalments, and, with the last instalment, he finds that his debts disappear along with the car! My friends, do not impose further burdens on these poor men. Up to this time, he has been saved from being declared an insolvent by anyhow making his two ends meet, but if you apply all these provisions, and especially this compulsory insurance which will do no good to anybody, he will have to take to insolvency. I assure you that you will be doing a great injustice if you burden

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these poor fellows with further costs. In that case, at the end of the prescribed period, his car will go, his debt will go, and probably he too will have to go into civil jail. So I am appealing to you on behalf of this class of men—whom I have already described and many of whom you already know. So, gentlemen, I would ask you to consider, all these things. I think I have been able to convince you that we must have motor services in this country and we expect to develop them with the help of the road taxes which are distributed to provinces every year—My Province, Bengal, being one of the biggest provinces, gets about Rs. 17 or 18 lakhs every year—I will not now say how they deal with this money, but I must mention here that it would appear from a speech of a European gentleman in the Bengal Legislative Assembly the other day, and you must have read it, that fully three years' gifts from the Central Government coming to about Rs. 60 lakhs have not been spent in Bengal. No road has been taken up in hand, nothing of the kind has been done, and the money is either lying there or is being used for the upkeep of the police. That is the way the fund is being utilised. Sir, to whom does this money belong? We agitated and agitated, and you take two annas per gallon as the road tax, and I ask you—who pay these two annas? Do not these bus-owners, whose condition I have described to you, pay these taxes? I have to point out that when this is raised from amongst these poor bus-owners, this must be spent for their benefit alone. If you become a little strict and ask questions as to how this money is being spent, then within four or five years the bus service in this country will be highly improved and our road system will also improve and increase. At present we have got 175,000 miles of roads, and the road system in India has not developed to any appreciable extent up to this time. India, which is as big as the whole of Europe except Russia, has got only 269,000 miles of roads whereas a small spot in Europe, called England, has got 178,000 miles of roads. For this mileage of 178,000, England has got 22 lakhs of motor vehicles and cars, whereas you have got for 269,000 miles 171,000 cars only. So, we find that there is much room for the improvement of the road traffic in this country. Most of you know that there is a cry in the country for the marketing of the agricultural produce. How can you market the produce without good transport facilities? There is a cry for cheaper freights from the railways, so that we may be able to carry cheaply the Punjab wheat to Bengal and to other places. But let me tell this House that unless you develop your road traffic, railways cannot reach every nook and corner of the country. If the interior of the country is to be developed, it must be developed by the road system. For the industrial and agricultural development of India, the improvement of the road system is absolutely necessary. I may tell the House that the agricultural population of the country is able to carry its agricultural produce from the most interior parts of the country to the railway stations by means of these buses and yet these ungrateful railway authorities do not appreciate their services and do not realise what these buses are doing for them. I know there is competition between these buses and the railways only in such cases where there are metalled roads running parallel to the railways, such as, between Delhi and Agra, Delhi and Meerut, and so on. But most of the roads through which the buses go are *kutchra* roads and it is with great difficulty that they are able to ply on them in the interior of the country. They do not compete with the railways but help the railways as feeder service. I am sorry that the Railway Member has

not considered that aspect of the question. If some parallel lines exist and there is competition between the railways and the buses, then who is responsible for it ? You had no foresight, and we find that day by day Englishmen have lost their foresight all round. You constructed big motorable roads parallel to the railways from Delhi to Agra, Delhi to Meerut, for your own joy-rides but now they have become a danger to one of your pet services, namely, the railways. These metalled roads have attracted the bus owners who have invested their money in their buses in order to earn their livelihood. How ungrateful it is of you now to stop them altogether. Where will these poor men go with their buses ? That is very improper on your part. But if you enforce these laws, there are my younger friends who will start Satyagraha against the prohibition of long distance journey. We have already seen the Satyagraha amongst the Calcutta carters, and in the mills. If you prohibit the long distance journey, you will find these bus owners will do the Satyagraha because they have sold all their property in order to purchase one or two buses. If they travel on the road from Delhi to Agra, your regional authority will issue an order to stop it. Is it proper, is it human ?

Now, Sir, this was all in connection with the bus-owners. Let me turn now to this pampered and proud child of the bureaucracy. Sir, I must have my option to choose my conveyance. I must have my comforts according to my taste and not be locked in in a third class compartment like sardines. I would prefer to sit with my friends in a car where I can sit comfortably. If I want to go to Agra from Delhi, I can finish the journey in 3 hours by a bus. If I may have a relation there who is seriously ill, if I take a bus I can gain 2 hours or more over your railway. This pampered child of yours takes 6 hours from Kalka to Simla. It is a shameful affair. It crawls like a snake. But if I travel by car, I take only 3 hours to reach Simla from Kalka and I pay only Rs. 2 as the fare.

**An Honourable Member :** This is not the fare now.

**Mr. Suryya Kumar Som :** I have often paid Rs. 1-8-0 and sometimes I have also paid as much as Rs. 6 or Rs. 7. It is true that there is no fixed charge. So, it will be observed that the fare of the railway is much more than the motor fare. It is at least double if not more.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable Member wish to conclude his speech or will he like to continue it ?

**Mr. Suryya Kumar Som :** I would like to continue my speech and I will take about one hour more.

The Assembly then adjourned till Eleven of the Clock on Friday, the 26th August, 1938.

**मसुरी**  
**MUSSOORIE.**

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